United States Court of Appeals

for the Second Circuit

APPENDIX

75-7001-09-15

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P/S

IN THE

United States Court of Appeals

FOR THE SECOND CIRCUIT

Nos. 75-7001
75-7009
75-7015

JOHN E. BAKER and GERALDINE S. GEORGE,
Plaintiffs-Appellees,

vs.

REGIONAL HIGH SCHOOL DISTRICT NO. 5, REGIONAL BOARD OF EDUCATION OF REGIONAL HIGH SCHOOL DISTRICT NO. 5, HENRY W. BENEDICT, HARRY I. WILSON, SIDNEY SVIRSKY, and JEAN HANNA,
Defendants-Appellants,

MARION P. CROCCO, GEORGE P. DAVIS, JR., JEAN VIRSHUP, LOUIS KUTZNER, JEAN S. MIDDLETON, FREDERICK STEIGERT, MRS. FRANK GRUSKAY, HERBERT HERSHENSON, LEONARD LOHNE, DOUGLAS J. SMITH, FREDERICK ROSS and MARJORIE B. WAHNQUIST,
Defendants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

JOINT APPENDIX

S. ROBERT JELLEY,
J. MICHAEL EISNER,
Attorneys for Defendants-Appellants
Regional High School District No. 5
and Regional Board of Education of
Regional High School District No. 5.

WIGGIN & DANA
205 Church Street
New Haven, Connecticut

UNITED STATES COURT OF APPEALS
FILED
FEB 24 1975
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

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RELEVANT DOCKET ENTRIES

DATE		
1974		
Apr.	3	Complaint filed.
Apr.	29	Answer of defendants Regional High School District No. 5, et als, filed.
May	2	Motion to Intervene as Defendant and Notice of Motion, filed by Town of Woodbridge.
May	3	Answer, filed by defendants, Henry W. Benedict and Sidney Svirsky.
May	9	Motion for Summary Judgment, Affidavits of Frances B. Grieb, Rose Ann Vinglione, Brendan J. Tuohy and Frederick Ross in Support of Motion for Summary Judgment, and Memorandum of Law in Support of Motion for Summary Judgment, filed by Plaintiffs.
May	20	Answer, filed by defendants Frederick Ross and Marjorie B. Wahnquist.
May	24	Notice to take Deposition of John E. Baker and Geraldine S. George on May 29, 1974, filed by defendants Regional High School District No. 5 and Regional Board of Education of Regional High School District No. 5.
May	30	Motion to Intervene as Defendant and Notice of Motion filed by Town of Bethany.

June 3 Motion to Amend Answer of Regional High School District No. 5, Regional Board of Education of Regional High School District No. 5, Mrs. Marion P. Crocco, George P. Davis, Jr., Mrs. Jean Virshup, Louis Kitzner, Mrs. Jean S. Middleton, Dr. Frederick Steigert, Mrs. Frank Gruskay, Dr. Herbert Hershenson, Mr. Leonard Lohne and Douglas J. Smith, filed.

June 3 Preliminary Memorandum of Law of defendants Regional High School District No. 5, Regional Board of Education of Regional High School District No. 5, Mrs. Marion P. Crocco, George P. Davis, Jr., Mrs. Jean Virshup, Louis Kitzner, Mrs. Jean S. Middleton, Dr. Frederick Steigert, Mrs. Frank Gruskay, Dr. Herbert Hershenson, Leonard Lohne and Douglas J. Smith with affidavits of Leonard Lohne and S. Robert Jelley attached in Opposition to plaintiffs' Motion for Summary Judgment, filed.

June 4 Depositions of Geraldine S. George and John E. Baker, filed.

June 12 Hearing on (1) Plaintiff's Motion for Summary Judgment; and (2) Defendant's Motion for Intervention by Town of Woodbridge. Decision Reserved on both motions. Newman, J.

Nov. 22 Memorandum of Decision entered. (entered jointly with Civil B-538, JOSEPH M. SCOTT, SR. v. NONNEWAUG REGIONAL SCHOOL DISTRICT NO. 14, ET AL) Plaintiffs' motions for summary judgment are granted, and judgment will enter declaring that the allocation of membership on the Boards of Education of Nonnewaug Regional School District No. 14, and of Regional High School District No. 5, deprives plaintiffs of the equal protection of the laws in violation of the Fourteenth Amendment. Newman, J.

Dec. 5 Judgment entered in accordance with above Memorandum of Decision. Markowski, C.

Dec. 20 Notice of Appeal, filed by Defendants Regional High School, District No. 5 and Regional Board of Education of Regional High School District No. 5.

Dec. 31 Notice of Joint Appeal, filed by Defendants James Berry, Treasurer and Jean Hanna, Town Clerk.

1975

Jan. 3 Notice of Appeal filed by defendants Henry W. Benedict and Sidney Svirsky.

Jan. 3 Ruling on Request for Rule 54(b) Certification, entered. The Court finds that there is no just reason for delay and specifically directs the entry of judgment on the claims for declaratory relief. Newman, J. (Entered jointly with B-538 Civil)

Jan.	8	Judgment on claims for declaratory relief after ruling on Request for Rule 54(b) Certification, entered. Ordered that the allocation of membership on the Boards of Education of Nonnewaug Regional School District No. 14, and of Regional High School District No. 5, deprives plaintiffs of the equal protection of the laws in violation of the Fourteenth Amendment. Markowski, C. Approved. Newman, J.
Jan.	9	Amended Notice of Appeal from the Memorandum of Decision entered on Nov. 22, 1974, the Judgment entered on Dec. 5, 1974, and the Judgment entered on Jan. 8, 1975, filed by Defendants Regional High School Dist. No. 5 and Regional Board of Education of Regional High School District No. 5.
Jan.	10	Amended Notice of Appeal, filed by Defendants, James Berry and Jean Hanna.
Jan.	21	Amended Notice of Appeal filed by Defendants, Henry W. Benedict and Sidney Svirsky.

A 5a

COMPLAINT

1. This action arises under the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C. §§1983 and 1988. Jurisdiction in this Court is granted by 28 U.S.C. §1343 (3) and (4).

2. Plaintiffs, John E. Baker and Geraldine S. George, are both residents, taxpayers, and electors of the Town of Orange, Connecticut.

3. The Towns of Orange, Bethany, and Woodbridge are municipal corporations organized and existing under the laws of the state of Connecticut.

4. In 1952 and 1953 and up to and including the present time the General Statutes of the State of Connecticut provide for the establishment by two or more towns of a regional school district as a body politic and corporate, and prescribe the powers, duties and responsibilities of said school districts.

5. Acting pursuant to the aforesaid General Statutes the towns of Orange, Bethany and Woodbridge in 1952-53 voted to and did join together to establish the defendant Regional High School District No. 5 (hereinafter, the "defendant District") for the purpose of providing the necessary facilities and administering grades 7 to 12 inclusive of the public schools.

6. Acting pursuant to the aforesaid General Statutes the towns thereupon established the defendant Regional Board of Education (hereinafter, the "defendant Board") as an elective board having nine members apportioned as follows: three to be elected by the electors of the Town of Orange, three to be elected by the electors of the Town of Bethany and three to be elected by the electors of the Town of Woodbridge.

7. The aforesaid General Statutes provided in 1952-53 and have provided up to the present time that the members of the defendant Board shall be elected by the electors of the town they represent, and shall exercise the powers and duties and have the responsibilities prescribed in the General Statutes, including the powers and duties generally conferred upon boards of education by the General Statutes not inconsistent with the provisions of the regional school district chapter.

8. The defendants Mrs. Marion P. Crocco, Mr. George P. Davis, Jr., Mrs. Jean Virshup, Mr. Louis Kutzner, Mrs. Jean S. Middleton, Dr. Frederick Steigert, Mrs. Frank Gruskay, Dr. Herbert Hershenson, and Mr. Leonard Lohne (hereinafter referred to collectively as the "defendant members"), sued individually and in their official capacities as Board members, are the present elected members of the defendant Regional Board of Education and exercise as such the powers and duties and have the responsibilities conferred by the General Statutes on said defendant Board and its members.

9. The defendant Douglas J. Smith, sued individually and as Acting Superintendent, is Acting Superintendent of Regional High School District No. 5, appointed by the defendant Board, and exercises as such the powers and duties and has the responsibilities with respect to said defendant District conferred by the General Statutes on superintendents of schools.

10. The method by which the defendant District is financed is prescribed by General Statutes §10-51. The defendant Board determines the amount of the cost of capital outlay and current expenditures necessary for the operation of the defendant District to be paid by each member town; and that amount or town-share must by statute bear the same ratio to the net expenses of the defendant District as the number of pupils resident in such town in average daily membership in the regional school district during the preceding school year (hereinafter, "ADM")---as defined by General Statutes §10-261---bears to the total number of such pupils in all the member towns.

11. The defendants Mr. Frederick Ross, Mr. Henry W. Benedict and Mr. Harry I. Wilson (hereinafter, "the defendant treasurers") are the treasurers, respectively, of the Towns of Orange, Bethany and Woodbridge, and as such exercise the powers and duties and have the responsibilities conferred by law upon town treasurers.

12. Included among the duties of the defendant treasurers is the duty to disburse funds to the defendant Board from time to time in payment of their towns' respective shares computed as set forth in paragraph 10 hereof.

13. The defendants Mrs. Marjorie B. Wahnquist, Mr. Sidney Svirsky, and Mrs. Jean Hanna are respectively the Town Clerks of Orange, Bethany, and Woodbridge, and as such exercise the powers and duties and have the responsibilities conferred by law upon town clerks.

14. The 1970 federal census discloses that the three constituent towns had populations as follows, resulting in percentages of population for the entire three-town area as follows:

TOWN	POPULATION	PERCENTAGE
Orange	13,524	54.0
Bethany	3,857	15.4
Woodbridge	7,673	30.6
	25,054	

15. The ADM of the three constituent towns in the defendant District were, in percentage terms, the following for the school years indicated:

TOWN	1969-70	1970-71	1971-72
Orange	53.40	54.69	55.18
Bethany	15.18	15.25	15.75
Woodbridge	31.42	30.06	29.07

16. The estimated ADM for 1972-73 of the three constituent towns in the defendant District on which the apportionment of shares for budget purposes was made among the three towns for the 1973-74 budget of the defendant District was as follows:

TOWN	Est. 1972-73 ADM
Orange	55.04
Bethany	15.62
Woodbridge	29.34

17. The constituent towns' respective shares of the last three budgets of the defendant District were as follows:

TOWN	1971-72	1972-73	1973-74
Orange	2,320,459.75	2,413,870.48	2,641,523.23
Bethany	643,052.81	695,104.90	743,537.28
Woodbridge	1,275,625.44	1,271,993.00	1,408,750.49
Total	4,239,138.00	4,379,993.00	4,793,811.00

18. The Town of Orange thus has 54% of the population of the three constituent towns, 55% of the ADM of the defendant District, and pays 55% of the expenses of the defendant District.

19. The Town of Orange is apportioned only 33 1/3% of the members of the defendant Board.

20. Plaintiffs are being deprived of the equal protection of the laws in that their vote as electors of the Town of Orange has been and is being diluted because the number of members of the defendant Board elected from the Town of Orange should, but does not, bear the same ratio to the total number of members of said board as either the population of the Town of Orange bears to the total population of the three towns or as the ADM of the Town of Orange in the defendant District bears to the total ADM of the District.

21. The continuance of the defendant members in office and their exercise of the powers and duties of members of the defendant Board operates, in light of the unconstitutional method of their election, as a continuing act of deprivation of plaintiffs' right to equal protection of the laws.

22. Unless the relief prayed for herein is granted, plaintiffs will suffer, as they suffer now, irreparable injury for which they have no adequate remedy at law.

WHEREFORE, plaintiffs claim

1. A declaratory judgment that the plan of apportionment governing the defendant Board, wherein each of the three constituent towns in the defendant District is accorded three members despite significant differences in both their populations and their ADM in the defendant District, is unconstitutional as denying to plaintiffs the equal protection of the laws guaranteed them by the Fourteenth Amendment to the Constitution of the United States.

2. An order requiring the defendant Board and the defendant members to amend the plan governing apportionment of the defendant Board insofar as said apportionment is concerned to apportion said defendant Board in a manner consistent with the decision in this case on the basis of one person-one vote, and to take all steps necessary to have that amendment adopted pursuant to the provisions of General Statutes §10-47c.

3. A temporary and permanent injunction---to continue until the defendant Board has been apportioned on the basis of one person-one vote---enjoining the defendants Acting Superintendent, Board, and members, individually and in their official capacities, from expending any funds in excess of, or contracting for any goods or services in addition to, those for which appropriations were made in the 1973-74 budget of the defendant District.

4. A temporary and permanent injunction---to continue until the defendant Board has been apportioned on the basis of one person-one vote---enjoining each of the defendant town treasurers from disbursing to the defendant District or defendant Board any sum in excess of the total sum disbursed to said defendants by him pursuant to the 1973-74 budget of the defendant District.

5. A temporary and permanent injunction---to continue until the defendant Board has been apportioned on the basis of one person-one vote---enjoining each of the defendant town clerks from taking any steps to call any referendum or to certify the results of any referendum concerning the defendant District except a referendum pursuant to General Statutes §10-47c called solely to vote on a plan of apportionment of the defendant Board on the basis of one person-one vote.

6. To retain jurisdiction of this matter until such time as this Court is satisfied that a plan of apportionment for the defendant Board is in effect which is based upon one person-one vote.

7. To award plaintiffs the costs of this action, including reasonable attorneys' fees, to be paid by the defendants, except in their individual capacities.

8. Such other relief as to equity may appertain.

Dated at Hartford, Connecticut this 3rd day of April, 1974.

ANSWER OF REGIONAL HIGH SCHOOL DISTRICT NO. 5, REGIONAL BOARD OF EDUCATION OF REGIONAL HIGH SCHOOL DISTRICT NO. 5, MRS. MARION P. CROCCO, MR. GEORGE P. DAVIS, JR., MRS. JEAN VIRSHUP, MR. LOUIS KITZNER, MRS. JEAN S. MIDDLETON, DR. FREDERICK STEIGERT, MRS. FRANK GRUSKAY, DR. HERBERT HERSHENSON, MR. LEONARD LOHNE and DOUGLAS J. SMITH

FIRST DEFENSE

1. Paragraph 1 is admitted.

2. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 2 and 3 of the complaint.

3. With respect to the allegations contained in paragraph 4 of the complaint, these defendants admit that in 1952 and 1953 and up to and including the present time the general statutes of the State of Connecticut, as amended from time to time, have provided for the establishment of regional school districts and have prescribed some of the powers, duties, and responsibilities of regional school districts; the balance of paragraph 4 is denied.

4. Paragraphs 5, 6, and 7 are denied.

5. With respect to the allegations contained in paragraph 8, these defendants admit that Mrs. Marion P. Crocco, Mr. George P. Davis, Jr., Mrs. Jean Virshup, Mr. Louis Kutzner, Mrs. Jean S. Middleton, Dr. Frederick Steigert, Mrs. Frank Gruskay, Dr. Herbert Hershenson, and Mr. Leonard Lohne are the present elected members of the defendant Regional Board of Education; the balance of paragraph 8 is denied.

6. With respect to the allegations contained in paragraph 9, these defendants admit that defendant Douglas J. Smith is Acting Superintendent of Regional High School District No. 5 and was appointed by the defendant Board; the balance of paragraph 9 is denied.

7. Paragraph 10 is denied.

8. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 11, 12, 13, and 14.

9. With respect to the allegations contained in paragraph 15, these defendants admit that the ratio referred to in Section 10-51(b) of the Connecticut General Statutes for the school years 1970-71, 1971-72, and 1972-73 were as alleged under the headings 1969-70, 1970-71, and 1971-72 in paragraph 15; the balance of paragraph 15 is denied.

10. With respect to the allegations contained in paragraph 16, these defendants admit that the ratio referred to in Section 10-51(b) of the Connecticut General Statutes for the school year 1973-74 was as alleged in paragraph 16; the balance of paragraph 16 is denied.

11. Paragraph 17 is admitted, except that the share of Woodbridge for the year 1972-73 was $1,271,017.62, rather than the figure alleged.

12. Paragraph 18 is denied.

13. Paragraph 19 is admitted.

14. Paragraphs 20, 21, and 22 are denied.

SECOND DEFENSE

By reason of the provisions of 28 U.S.C. §2281, this Court is without power or jurisdiction to grant the relief sought by plaintiffs without compliance with 28 U.S.C. §2284.

THIRD DEFENSE

Plaintiffs have failed to join as parties the Towns of Orange, Woodbridge, and Bethany and the Board of Education of the State of Connecticut, which have interests relating to the subject of this action and are so situated that the disposition of this action in their absence may as a practical matter impair their ability to protect their interests.

FOURTH DEFENSE

The composition of the Regional Board of Education of Regional School District No. 5 was duly determined in accordance with Section 304b of the 1951 Supplement to the Connecticut General Statutes, was approved by the Board of Education of the State of Connecticut, and was confirmed, ratified, and validated by Special Act No. 142 of the 1953 General Assembly of the State of Connecticut.

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiffs respectfully move the Court that it enter, pursuant to F.R.C.P. 56, a summary judgment in favor of plaintiffs for the relief demanded in the complaint on the ground that there is no genuine issue as to any material fact and that plaintiffs are entitled to a judgment as a matter of law.

This motion is based upon:

1. The affidavit of Frances B. Grieb and Rose Ann Vinglione, Registrars of Voters of the Town of Orange, attached hereto.

2. The affidavit of Brendan J. Tuohy, Superintendent of Schools of the Town of Orange, attached hereto.

3. The affidavit of Frederick Ross, Treasurer of the Town of Orange, attached hereto.

4. Such matters of general knowledge as this Court may judicially notice.

Dated at Hartford, Connecticut this 7th day of May, 1974.

AFFIDAVIT OF FRANCES B. GRIEB AND ROSE ANN VINGLIONE
IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

State of Connecticut)
) ss:
County of New Haven)

Frances B. Grieb and Rose Ann Vinglione, being duly sworn, depose and say:

1. We are the Registrars of Voters of the Town of Orange, Connecticut, and in such capacities exercise the powers and bear the responsibilities of said office imposed by law.

2. Among those responsibilities is the maintenance of a list of electors resident in the Town of Orange.

3. John E. Baker of 296 Fairlea Road, Orange, and Geraldine S. George of 112 Rogers Road, Orange, were on April 3, 1974 and are on the date of the execution of this affidavit electors of the Town of Orange.

AFFIDAVIT OF BRENDAN J. TUOHY
IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

State of Connecticut)
) ss:
County of New Haven)

Brendan J. Tuohy, being duly sworn, deposes and says:

1. I am Superintendent of Schools of the Town of Orange, Connecticut, and in such capacity exercise the powers and bear the responsibilities of said office imposed by law.

2. As Superintendent of Schools of the Town of Orange, I am custodian of the records of the Orange Board of Education.

3. Among the aforesaid records are two which I have attached hereto, made a part hereof, and marked, respectively, Exhibits A and B:

Exhibit A: Minutes of Joint Meeting of Boards of Education of Bethany, Orange, and Woodbridge on January 29, 1953.

Exhibit B: Copy of letter dated February 6, 1953, from F. E. Engleman, Secretary of State Board of Education to Charles Hitchcock, Chairman of the Regional Planning Committee for the towns of Bethany, Orange, and Woodbridge.

4. As Superintendent as aforesaid, I have recently communicated with the State Department of Education with respect

to its records relating to the creation of Regional High School District No. 5, and have received from it the following-described extracts from the minutes of the State Board of Education meeting dated February 3, 1953, a copy of which is attached hereto, made a part hereof, and marked Exhibit C, and a copy of which is now part of the records of the Orange Board of Education of which I am custodian:

> Exhibit C: Pages 18, 20, 21, and 22 of the minutes of the State Board of Education meeting dated February 3, 1953, pertaining (as to page 18) to vote communicated in Exhibit B hereinabove described, and pertaining (as to pages 20-22) to a report on procedures used by the towns of Bethany, Orange, and Woodbridge in establishing Regional High School District No. 5.

5. To my personal knowledge the apportionment of the Board of Education of Regional High School District No. 5 is three members elected from the Town of Orange, three members elected from the Town of Bethany, and three members elected from the Town of Woodbridge, for a total of nine members of said Board of Education.

EXHIBIT A TO AFFIDAVIT OF TUOHY

Joint Meeting, Boards of Education, Bethany, Orange and Woodbridge.

A joint meeting of the Boards of Education of Bethany, Orange and Woodbridge was held in Bethany Thursday evening, January 29, 1953. The meeting was called to order at 8:40 by the Chairman of the Bethany Board, Mr. Nathan Podoloff. Mr. Podoloff was elected chairman of the meeting and Mrs. Harold Brakewood of the Woodbridge Board was elected secretary.

The following Board members were present:-

Mr. Edward C. Lee	Bethany
Mrs. Alice Vaill	Bethany
Mrs. Helen J. Riley	Bethany
Mr. W. G. Hill	Bethany
Mrs. Mary Bunting	Bethany
Mr. Nathan Podoloff	Bethany
Mr. John Lightfoot	Orange
Mrs. Agnes M. Monck	Orange
Mrs. Emma M. VanArman	Orange
Mrs. Julia T. Wright	Orange
Mrs. Doris P. Eaton	Woodbridge
Mr. H. L. Kollner	Woodbridge
Mrs. Mary Blakeslee	Woodbridge
Mrs. Julia Brakewood	Woodbridge
Mr. Charles Costello	Woodbridge

Bethany and Orange reported that their respective Boards favor a Regional Board consisting of nine members, three from each town.

The following motion was made by Mr. Henry Kollner of the Woodbridge Board and seconded by Mr. John Lightfoot of the Orange Board: THE REGIONAL BOARD SHALL HAVE NINE MEMBERS APPORTIONED THREE FROM BETHANY, ORANGE AND WOODBRIDGE RESPECTIVELY. This motion was unanimously passed by those present which represented a majority of the combined Boards.

The method of electing the members of the Regional Board will be explained by Mr. Hitchcock, Chairman of the Temporary Regional School Planning Committee for the Towns of Woodbridge, Bethany and Orange.

The Secretary was instructed to send a copy of the motion to Mr. Hitchcock, Mr. Finis Engleman, Commissioner of Education, and the Town Clerks of each town, and to request the Town Clerks to also notify Mr. Engleman of said motion. The Secretary was further instructed to send a copy of the minutes to each of the three Boards.

Meeting adjourned at 9:00

Respectfully submitted,

Julia H. Brakewood

Julia H. Brakewood,
Secretary.

HARTFORD CONNECTICUT

EXHIBIT B TO AFFIDAVIT OF TUOHY

February 6, 1953

Mr. Charles Hitchcock
Chairman of the Regional
Planning Committee
Woodbridge, Connecticut

Dear Mr. Hitchcock:

At a meeting of the State Board of Education held on Wednesday, February 4, 1953 it was

VOTED: That the State Board of Education, acting in accordance with the provisions of Section 303b of the 1951 Supplement to the General Statutes, approves the establishment of a regional school district composed of the towns of Bethany, Orange and Woodbridge, for the purpose of maintaining a high school for grades seven through twelve and that such district be known as Regional High School District Number 5, in accordance with Section 312 b of the 1951 Supplement to the General Statutes.

Sincerely yours,

F. E. Engleman
Secretary

FEE:al
cc: Mr. Lightfoot

EXHIBIT C TO AFFIDAVIT OF TUOHY

12. Regional High School District No. 5

The Secretary presented a report (copy attached to these minutes) which outlined the steps taken by the towns of Bethany, Orange and Woodbridge toward the formation of a regional high school district. On the motion of Dr. Holleran, seconded by Mrs. Bingham, it was

Letter sent to Chairman cc 3 local board Chairman

VOTED: That the State Board of Education, acting in accordance with the provisions of Section 303b of the 1951 Supplement to the General Statutes, approves the establishment of a regional school district composed of the towns of Bethany, Orange and Woodbridge, for the purpose of maintaining a high school for grades seven through twelve and that such district be known as Regional High School District Number 5, in accordance with Section 312b of the 1951 Supplement to the General Statutes.

Regional High School Planning Committee

Reg. H S D. #5

The towns of Bethany, Orange and Woodbridge have taken steps to establish a regional school district for the purpose of maintaining a six-year high school. The following is a brief statement of the procedures of the towns in taking this action:

1. A Temporary Regional School Planning Committee was appointed under the provisions of Section 298b of the 1951 Supplement to the General Statutes by action of the three towns: Bethany in October, 1951; Woodbridge in May, 1952; and Orange in June, 1952.

2. The Temporary Regional School District Committee submitted the following report dated October 30, 1952 to each of the towns:

Report on Recommendations of the Temporary Regional School Planning Committee for the Towns of Bethany, Orange and Woodbridge

A Temporary Regional School Planning Committee formed in accordance with Section 298b of the 1951 Supplement to the General Statutes, consisting of Mrs. Henry Bunting, Mr. Nathan Fodoloff, Mr. Henry P. Treffers and Mr. Theodore Wolfe from the town of Bethany; Mr. John Martin, Mr. Thomas J. O'Sullivan, Mr. Daniel Schmitt, Jr. and Mrs. Stanley Wright from the town of Orange and Mr. Charles Costello, Mr. Robert Dickgiesser, Mr. Charles C. Hitchcock and Mr. Francis Martino from the town of Woodbridge, having met since August 1951, has concluded as follows:

1. That it is advisable to set up a Regional School District for the towns of Bethany, Orange and Woodbridge to build and administer a high school for grades 7 through 12.

2. That the school should be built in the town of Woodbridge.

3. That upon the basis of projected enrollments the regional junior-senior high school should accommodate approximately 1000 students to take care of the needs of the three towns until 1961 and that the cost of providing the land, developing the site and constructing and equipping the buildings has been estimated to be $1,685,000.

4. That the committee recognizes inequalities and limitations in the present Act Concerning Regional Schools which should receive further study.

The members then voted to present the following resolution to their respective towns:

Resolved: That the towns of Bethany, Orange and Woodbridge join in the establishment of a regional school district with the school located in the town of Woodbridge for the purpose of providing the necessary facilities and administering grades 7 through 12 of the public schools.

The Temporary School Planning Committee voted that this report, together with the minutes be filed with the report on recommendations to the towns.

3. This recommendation provides for the creation of a regional school district composed of the towns of Bethany, Orange and Woodbridge, three small towns suburban to New Haven to maintain a six-year high school. These towns are facing the necessity of providing their own secondary school opportunities instead of paying tuition to neighboring cities. In addition, the establishment of a six-year school will help meet the elementary school housing problem by providing for grades six and seven in the new school. Enrollments show a few over 500 pupils in grades seven to twelve as of September, 1952. Projected enrollments indicate 600 pupils by September, 1954, when the school may be expected to be ready. By 1961-62, on the basis of recent experience, the enrollment will reach 1,100 or more than double the present enrollment.

4. In accordance with the provisions of Section 303b of the 1951 Supplement to the General Statutes, each of the towns held a special election to act upon the recommendation of the Temporary Regional School District Committee that it join with the other two towns "in the establishment of a regional school district with the school located in the town of Woodbridge for the purpose of providing the necessary facilities and administering grades seven to twelve of the public schools." As shown by the certificates of the respective town clerks the vote of the towns was as follows:

Town	Date of Election	Number Voting Yes	No	Total
Bethany	Jan. 17, 1933	291	52	343
Orange	Dec. 20, 1952	470	37	507
Woodbridge	Nov. 4, 1952	983	71	1,054

5. In view of the fact that the towns involved have made a careful study of their problem through the work of the Temporary Regional School Planning Committee, that this committee has had the assistance and advice of the assigned Rural Superintendents and that the staff of the Department has acted in a consultative capacity, the Regional Planning Committee after reviewing the report of the Temporary Regional School Planning Committee recommends the following action:

VOTED: That the State Board Education, acting in accordan with the provisions of Section 303b of the 1951 Supplement to the General Statutes, approves the establishment of a regional school district composed of the towns of Bethany, Orange and Woodbridge, for the purpose of maintaining a high school for grades seven through twelve and that such district be known as Regional High School District Number 5, in accordance with Section 312b of the 1951 Supplement to the General Statutes.

Regional High School Planning Committee

Paul D. Collier, Chairman
Joseph A. Baer
G. Wesley Ketcham
Roger M. Thompson

AFFIDAVIT OF FREDERICK ROSS
IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

State of Connecticut)
) ss:
County of New Haven)

Frederick Ross, being duly sworn, deposes and says:

1. I am the Treasurer of the Town of Orange, and in such capacity exercise the powers and bear the responsibilities of said office imposed by law.

2. Among those responsibilities is the disbursement of funds of the Town of Orange, including funds disbursed to the defendants Regional High School District No. 5 and Regional Board of Education herein.

3. I am also custodian of the records of the office of the Town Treasurer.

4. I am a named defendant in the above-entitled action, and as such I have been served with a copy of the complaint herein.

5. I have examined the aforesaid complaint herein, and the records of the office of the Town Treasurer, and especially with respect to allegations contained in paragraphs 14-18 inclusive of the complaint.

6. Based upon my aforesaid examination, I attest to the accuracy of the allegations contained in said paragraphs 14-18 inclusive of the complaint.

MOTION TO AMEND ANSWER OF REGIONAL HIGH SCHOOL DISTRICT NO. 5, REGIONAL BOARD OF EDUCATION OF REGIONAL HIGH SCHOOL DISTRICT NO. 5, MRS. MARION P. CROCCO, MR. GEORGE P. DAVIS, JR., MRS. JEAN VIRSHUP, MR. LOUIS KITZNER, MRS. JEAN S. MIDDLETON, DR. FREDERICK STRIGERT, MRS. FRANK GRUSKAY, DR. HERBERT HERSHENSON, MR. LEONARD LOHNE and DOUGLAS J. SMITH

These defendants move to amend their Answer dated April 29, 1974 by filing an Amended Answer, a copy of which is attached hereto as Exhibit I. The grounds of this motion are that these defendants have just learned facts supporting the allegations of the amended answer.

AMENDED ANSWER OF REGIONAL HIGH SCHOOL DISTRICT NO. 5, REGIONAL BOARD OF EDUCATION OF REGIONAL HIGH SCHOOL DISTRICT NO. 5, MRS. MARION P. CROCCO, MR. GEORGE P. DAVIS, JR., MRS. JEAN VIRSHUP, MR. LOUIS KITZNER, MRS. JEAN S. MIDDLETON, DR. FREDERICK STEIGERT, MRS. FRANK GRUSKAY, DR. HERBERT HERSHENSON MR. LEONARD LOHNE and DOUGLAS J. SMITH

FIRST DEFENSE

1. Paragraph 1 is denied.

2. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 2 and 3 of the complaint.

3. With respect to the allegations contained in paragraph 4 of the complaint, these defendants admit that in 1952 and 1953 and up to and including the present time the general statutes of the State of Connecticut, as amended from time to time, have provided for the establishment of regional school districts and have prescribed some of the powers, duties, and responsibilities of regional school districts; the balance of paragraph 4 is denied.

4. Paragraphs 5, 6, and 7 are denied.

5. With respect to the allegations contained in paragraph 8, these defendants admit that Mrs. Marion P. Crocco, Mr. George P. Davis, Jr., Mrs. Jean Virshup, Mr. Louis Kitzner, Mrs. Jean S. Middleton, Dr. Frederick Steigert, Mrs. Frank Gruskay, Dr. Herbert Hershenson, and Mr. Leonard Lohne are the present elected members of the defendant Regional Board of Education; the balance of paragraph 8 is denied.

6. With respect to the allegations contained in paragraph 9, these defendants admit that defendant Douglas J. Smith is Acting Superintendent of Regional High School District No. 5 and was appointed by the defendant Board; the balance of paragraph 9 is denied.

7. Paragraph 10 is denied.

8. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 11, 12, 13, and 14.

9. With respect to the allegations contained in paragraph 15, these defendants admit that the ratio referred to in Section 10-51(b) of the Connecticut General Statutes for the school years 1970-71, 1971-72, and 1972-73 were as alleged under the headings 1969-70, 1970-71, and 1971-72 in paragraph 15; the balance of paragraph 15 is denied.

10. With respect to the allegations contained in paragraph 16, these defendants admit that the ratio referred to in Section 10-51(b) of the Connecticut General Statutes for the school year 1973-74 was as alleged in paragraph 16; the balance of paragraph 16 is denied.

11. Paragraph 17 is admitted, except that the share of Woodbridge for the year 1972-73 was $1,271,017.62, rather than the figure alleged.

12. Paragraph 18 is denied.

13. Paragraph 19 is admitted.

14. Paragraphs 20, 21, and 22 are denied.

SECOND DEFENSE

By reason of the provisions of 28 U.S.C. §2281, this Court is without power or jurisdiction to grant the relief sought by plaintiffs without compliance with 28 U.S.C. §2284.

THIRD DEFENSE

Plaintiffs have failed to join as parties the Towns of Woodbridge and Bethany and the Board of Education of the State of Connecticut, which have interests relating to the subject of this action and are so situated that the disposition of this action in their absence may as a practical matter impair their ability to protect their interests.

FOURTH DEFENSE

The composition of the Regional Board of Eduction of Regional School District No. 5 was duly determined in accordance with Section 304b of the 1951 Supplement to the Connecticut General Statutes, was approved by the Board of Eduction of the State of Connecticut, and was confirmed, ratified, and validated by Special Act No. 142 of the 1953 General Assembly of the State of Connecticut. The composition of the Regional Board of Education was fixed at three members from each town by Special Act No. 69 of the 1974 General Assembly, which act was approved by the Governor on May 23, 1974.

FIFTH DEFENSE

The plaintiffs are not the real parties in interest within the meaning of Rule 17(a), because they are merely nominees or agents of the Town of Orange or its Board of Selectmen.

SIXTH DEFENSE

By reason of 28 U.S.C. §1359, this Court is without jurisdiction, because the plaintiffs have been improperly made or joined to invoke the jurisdiction of the Court.

SEVENTH DEFENSE

The real party in interest, the Town of Orange or its Board of Selectmen, has failed to exhaust the administrative remedy that may be available to it, that is, the proposal of an amendment to the plan of Regional High School District No. 5 under the provisions of Section 10-47c of the Connecticut General Statutes.

EIGHTH DEFENSE

The complaint fails to state a claim upon which relief can be granted.

AFFIDAVIT

STATE OF CONNECTICUT)
: ss. June 3, 1974
COUNTY OF NEW HAVEN)

Douglas J. Smith of Wilton, Connecticut, being duly sworn, deposes and says:

I am Superintendent of Regional High School District No. 5, and am a defendant in this action. I served as Assistant Superintendent of Regional High School District No. 5 from January, 1971 until January, 1974, when I became Acting Superintendent, a position I held until I was appointed Superintendent on May 31, 1974.

In my position as Superintendent, I have custody of the minutes and other records of Regional High School District No. 5 and of the Regional Board of Education of Regional High School District No. 5. I am thoroughly familiar with the activities and operations of the District and of the Board, and also of the schools under their jurisdiction, that is, the high school in Woodbridge and the junior high schools in Bethany and Orange.

I have read the complaint in this case. The allegation in paragraph 10 thereof that Section 10-261 of the Connecticut General Statutes has some bearing on the definition of "Average Daily Membership" for purposes of the ratio referred to in Section 10-51 is factually and legally incorrect.

Percentages stated in paragraph 15 of the complaint are the ratios referred to in Section 10-51(b) for the school years

1970-71, 1971-72, and 1972-73, and not for the years stated in the complaint. Percentages stated in paragraph 16 of the complaint are the ratios referred to in Section 10-51(b) for the school year 1973-74. Paragraph 17 of the complaint is correct, except that the share for the Town of Woodbridge for the year 1972-73 was $1,271,017.62.

Exhibit 1 attached hereto is a list of all of the Regional School Districts presently existing in the State of Connecticut. For each District, I have listed the towns that comprise the District, their population by the 1970 census, their population as determined by the Connecticut State Department of Health in its July 1, 1972 estimate of population, the number of children from each town in the Regional District Schools as of October 1, 1973, as reported by each District to the Connecticut State Board of Education, and the number of representatives on the Regional District Board of Education from each of the town comprising the District, which I determined from telephone calls made to the Superintendent's office of each of the Districts.

I have also read plaintiffs' Memorandum of Law in Support of Their Motion for Summary Judgment dated May 7, 1974. Section IV, entitled "The Powers of the Defendant Board," together with Appendix II, purports to describe the powers and operation of the Regional Board of Education. The description is not factually accurate in describing how the Board operates.

The primary document governing the activities and operation of the School District is the budget. While the proposed budget is prepared by the Board in accordance with the provisions of Section 10-51 of the Connecticut General Statutes, the proposed budget is first presented to a public district meeting where any person may recommend the inclusion or deletion of expenditures. Thereafter the Board meets to consider the matters that have been raised at the district meeting, and may make revisions of the proposed budget. The proposed budget, either in its original form or as revised after the district meeting, is then presented to the annual district meeting, which is held on the first Monday or Tuesday of May. The persons present at the annual district meeting may then vote in favor or against the proposed budget. If the vote is against the budget, the Board of Education is required to submit the same or a revised budget to another district meeting to be called within two weeks. The budget as finally passed by the district meeting effectively determines the activities and operations of the schools within the District within the following fiscal year.

The 1974 budget proceedings in April and May of this year are a good example of the budgetary process. Exhibit 2 is the proposed budget which was circulated during April, 1974 prior to the public district meeting held on April 22 , 1974. As a result of the public hearing, the Board of Education revised the proposed budget downward, as appears from Exhibit 3. Exhibit 3 was circulated

prior to the annual district meeting which was held on May 7, 1974. Prior to that meeting the voters of the District had petitioned for a vote by voting machines on the budget, and such a vote was held on May 8, 1974. The proposed budget, as revised following the public district meeting, was rejected at the annual district meeting. As a result of that rejection, the Board of Education made further cuts in the budget resulting in the second revision of the proposed budget, a copy of which is attached hereto as Exhibit 4. That second revision was approved at a district meeting held on May 21, 1974.

A comparison of the three proposed budgets shows that the original proposed budget and the first revision thereof which was rejected at the annual district meeting contained funds for a relocatable class room at the high school in Woodbridge to provide for power mechanics and graphics, which was an addition to the curriculum, and further to provide space for art and home economics. It also provided for two new teachers for industrial arts to staff the new relocatable class room. After the rejection at the annual district meeting, the Board of Education cut the relocatable class room and the two industrial arts teachers from the proposed budget, and it was the revised budget with this deletion that ultimately passed. Thus the Regional District Meeting, at which all voters and/most taxpayers of Bethany, Orange and Woodbridge are permitted to vote, that effectively determined, through the budgetary process, that there would not be a relocatable class room, an addition to the

curriculum in the form of power mechanics and graphics, and two industrial arts teachers for this additional curriculum. Other examples from other years would similarly show the important control by means of the budgetary process of the district meeting over the activities and operations of the schools in the District.

I note that plaintiffs' Memorandum states that once the budget is approved, "it is the Board which fixes the assessment each member town must pay." Literally this is true. However in fact the amount paid by each town is determined by the provisions of Section 10-51(b) of the Connecticut General Statutes, and all that the Board does is the mathematics which are required by that section.

Another activity of the Board is the construction of school buildings and other educational facilities. That activity is effectively governed either by the district meeting through the budgetary process if the funds for the construction are to be included in the annual budget or through the referendum process provided for in Section 10-56 of the Connecticut General Statutes if bonds are to be issued. As an example of this, in January, 1971 the Regional Board of Education proposed the construction of a second regional high school to be located in the Town of Orange, with the funds to be provided by the issuance of bonds. The question was put to referendum on February 9, 1971, and the proposal was defeated, 3,241 votes to 2,497 votes. As a result, the proposed high school in Orange was not constructed.

As another example of construction projects, since 1970 a number of relocatable class rooms have been constructed at the Junior High School in Orange. The construction of those relocatable class rooms was included in the proposed budget for each of the years in question, and was approved at the annual district meeting.

In addition to the above described financial approvals required for construction projects, the provisions of Section 10-282 through 10-292 of the Connecticut General Statutes which deal with public school building projects, effectively provide for review and control of plans and specifications for building projects by the State Board of Education. While those provisions are not mandatory, the grants provided for in Section 10-286 are so substantial, that the Regional Board of Education could not undertake a school building project without complying with the provisions of Section 10-282 through 10-292 so as to obtain grants from the State to aid in construction. This was the procedure followed, for example, with the relocatable class rooms at the Junior High School located in Orange, and the State review of plans and specifications provided for in Section 10-284 resulted in changes in the plans and specifications in order to obtain the grants.

Another area of the Board of Education's activities is the hiring of teachers. The number of teachers that can be hired is governed by the budgetary process. Teachers, however, can only be hired if they possess a state certificate issued by the State Board of Education, as provided for in Sections 10-145 and 10-146 of

the Connecticut General Statutes. Termination of the employment of a teacher is governed by Section 10-151 of the Connecticut General Statutes, which effectively grants tenure to a teacher after three years of employment. Salaries of teachers are governed by the collective bargaining agreement between the Board of Education and the Amity Education Association, which represents the teachers and other professional employees, in accordance with the provisions of Sectio 10-153a through 10-153f of the Connecticut General Statutes. The collective bargaining agreement is, incidentally, subject to rejection by the Regional District Meeting, in accordance with the provisions of Section 10-153d of the Connecticut General Statutes.

In my opinion, based on my experience as Assistant Superintendent, Acting Superintendent, and Superintendent of Regional High School District No. 5, the district meeting, together with the referendum process provided for for approval of bond issues, effectively govern the programs and activities of Regional High School District No. 5, leaving the Regional Board of Education to administer those programs and activities.

As shown on the first page of statistics in Exhibit 4, the district budget for the school year 1973-74 was $5,670,855. The anticipated revenue was $877,044, leaving a net cost to be provided by the towns of $4,793,811. The 1974-75 budget, as approved, was $6,161,930. Anticipated revenue was $738,612, leaving $5,423,318 to be provided by the towns. In my opinion, the district schools could not be operated for the year 1974-75 with less than

the amounts provided for in the budget, or less than the net cost to be provided by the towns, and in particular, could not be operated on the amounts provided for in the 1973-74 budget.

Since 1969, the Regional Board of Education has been studying means to provide additional high school facilities for the district. That study has included consideration in constructing a second high school in the district and consideration of enlarging the present high school in Woodbridge. Ever since 1969, the Town of Orange and a number of its residents, groups, and town officials have sought the construction of a second high school in the Town of Orange. The present first selectman of the Town of Orange has made the obtaining of a second high school for the Town of Orange an issue in recent months.

Exhibit 1, Annexed to Affidavit of Douglas J. Smith
(Connecticut Regional School Districts)

[PHOTOSTATS]

(Opposite) ☛

EXHIBIT 1 TO AFFIDAVIT OF SMITH

CONNECTICUT REGIONAL SCHOOL DISTRICTS

Town	Population 1970 Census[1]	Population July 1, 1972 Estimate[2]	Number of Children in Regional District Schools October 1, 1973[3]	Representatives on Regional District Board[4]
District #1				
Canaan	931	970	40	1
Cornwall	1177	1200	74	1
Kent	1990	2000	92	1
North Canaan	3045	3100	190	1
Salisbury	3573	3600	183	1
Sharon	2491	2300	143	1
District #4				
Chester	2982	3000	323	3
Deep River	3690	3900	393	3
Essex	4911	5100	445	3
District #5				
Bethany	3857	4100	557	3
Orange	13,524	14,000	1840	3
Woodbridge	7673	8000	1014	3
District #6				
Gosnen	1351	1400	220	3
Morris	1609	1700	432	3
Warren	827	920	341	3
District #7				
Barkhamsted	2066	2300	262	2
Colebrook	1020	1000	125	2
New Hartford	3970	4000	495	2
Norfolk	2073	2100	228	2
District #8				
Andover	2099	2100	264	3
Hebron	3815	4300	591	3
Marlborough	2991	3300	363	3
District #9				
Easton	4885	5400	461	4
Redding	5590	6200	493	4
District #10				
Burlington	4070	4300	1240	4
Harwinton	4318	4500	1246	4
District #11				
Chaplin	1621	1700	204	3
Hampton	1129	1100	129	3
Scotland	1022	1000	121	3

District #12				
Bridgewater	1277	1400	323	3
Roxbury	1238	1300	268	3
Washington	3121	3200	641	3
District #13				
Durham	4489	4700	1461	4
Middlefield	4132	4200	990	4
District #14				
Bethlehem	1923	2000	502	4
Woodbury	5869	6300	1429	4
District #15				
Middlebury	5542	5800	1203	4
Southbury	7852	6700	1485	4
District #16				
Beacon Falls	3546	3700	946	4
Prospect	6543	6700	1636	4
District #17				
Haddam	4934	5200	1361	6
Killingworth	2435	2800	724	3
District #18				
Lyme	1484	1600	318	2
Old Lyme	4964	5300	1392	7

Footnotes

1 - From Connecticut State Register and Manual (1973) pages 598-603.

2 - From Connecticut State Register and Manual (1973) pages 365-572 (the estimates were made by the Connecticut State Department of Health).

3 - From Pupil Data Reports filed by each Regional School District with the Connecticut State Board of Education.

4 - From telephone calls made to each Regional District Board by the office of the defendant Douglas J. Smith.

Exhibit 2, Annexed to Affidavit of Douglas J. Smith

(Proposed Budget for Amity Regional High School No. 5 for 1974-75)

[PHOTOSTATS]

(Opposite) ☛

EXHIBIT 2 TO AFFIDAVIT OF SMITH

PROPOSED BUDGET
AMITY
REGIONAL
HIGH SCHOOL
No. 5
1974-75

BETHANY
ORANGE
WOODBRIDGE

BOARD OF EDUCATION

REGIONAL HIGH SCHOOL DISTRICT #5

Bethany	Orange	Woodbridge
Mrs. Jane Middleton	Mrs. John Crocco Treasurer	Mrs. Frank Gruskay Secretary
Louis J. Kutzner	Mrs. Jean Virshup	Dr. Herbert Hershenson
Dr. Frederick E. Steigert	George B. Davis, Jr. Vice-Chairman	Leonard Lohne Chairman

Douglas J. Smith
Acting Superintendent of Schools

George E. Lucas
Business Manager

BUDGET MESSAGE

FOR RESIDENTS, TAXPAYERS, PARENTS OF REGIONAL HIGH SCHOOL DISTRICT #5

Submitted herewith is the Operating Budget for the Amity Regional High School District #5 for the fiscal year July 1, 1974 through June 30, 1975. This budget was accepted unanimously by the Board of Education at its regular public meeting of April 8, 1974.

The budget submitted calls for a total appropriation of $6,687,495; an increase of $1,016,640 over the 1973-1974 gross budget and $1,094,072 over the 1973-1974 net appropriation of the current year.

It is important to note where the major increases occur and the reasons for them. The following specific items should be helpful in your review of the budget:

a. A re-locatable at the Senior High School to provide for power mechanics and graphics, an addition and improvement to curriculum, and space for art, and home economics. The cost of this facility is estimated at $360,000. The region will receive 70% reimbursement from the State for this expenditure.

b. The addition of ten teachers for the system - one for Orange Junior High School, 2 1/2 for Bethany Junior High School and 6 1/2 for the Senior High School, two of which will be for industrial arts in the new re-locatable. The cost of this additional staff is estimated at $110,000.

c. An expanded item in the budget is the inclusion of 11 adult teacher-clerical aides and 7 student aides. This is in addition to the one adult aide currently in the system. The cost is estimated to be $47,000.

d. Utilities including heat are up $60,000, or an increase of 44%.

e. Teaching supplies and other instructional expenses are up $36,000 or 22% over the 1973-1974 budget.

Program improvements are an integral part of our budget this year and go beyond curriculum to also include more preventive maintenance for our three secondary schools.

As of this writing, salary negotiations with the teachers are still under way and a firm total increase cannot be arrived at.

Amity expects a pupil population growth slightly in excess of 100 students for 1974-1975 over the 1973-1974 figures. Along with this growth, reliable reports indicate an increase to the towns in (A.D.M.) state aid from the current $215 per pupil to $250. This would account for an additional $120,000 pro-rated to the three towns. The Amity Board of Education is aware that the A.D.M. increase is not yet actual and also of the impact of our budget increase on the taxpayer. We have tried to point out the major reasons for the increase, along with the cost of inflation.

The Board of Education is elected by fellow citizens and taxpayers to not only maintain but improve our schools. We ask your support for this budget to carry out that mandate.

Respectfully submitted,

Leonard Lonne, Chairman
Board of Education
Amity Regional High School District #5

In accordance with the Statutes the following statistics are presented for your consideration:

	1972-73 Actual	1973-74 Projected	1974-75 Projected
Enrollments	3,344	3,377	3,480
Total Regional Budget	*$5,172,951	5,670,855	6,687,495
Anticipated Revenue Paid Directly to Region	890,734	877,044	799,612
Net Cost to be Provided By Towns	4,282,217	4,793,811	5,887,883
Estimated Per Pupil Cost (Gross)	1,547	1,679	1,922

*Surplus of $201,097 From Budget Applied to 1973-74 Budget Receipts.

BUDGET COMPARISON

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
ADMINISTRATION	144,038	167,567	160,022	197,500
INSTRUCTION	3,063,687	3,420,057	3,346,020	3,946,990
HEALTH	26,726	33,895	33,565	36,555
TRANSPORTATION	330,053	358,505	347,400	433,525
PLANT OPERATION	287,262	334,892	350,150	419,675
PLANT MAINTENANCE	143,474	139,057	126,050	169,510
FIXED CHARGES	205,917	244,299	232,862	275,200
FOOD SERVICE	7,834	8,264	8,264	8,845
STUDENT BODY ACTIVITY	46,790	59,546	57,250	72,345
CAPITAL OUTLAY	161,779	249,588	370,180	438,990
DEBT SERVICE	490,961	465,027	465,879	457,050
TUITION (OUTGOING)	124,976	150,158	146,700	181,310
CONTINGENCY	33,789	40,000	21,971	50,000
TOTAL BUDGET	5,067,286	5,670,855	5,666,313	6,687,495

9-F

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
100 Administration				
Salaries				
Administrators	70,568	92,240	84,240	100,700
Secretarial	31,728	33,557	36,507	42,145
Total Salaries	102,296	125,797	120,747	142,845
Contracted Services	32,136	31,520	28,500	34,900
Other Expense	9,606	10,250	10,775	19,755
Total 100 Administration	144,038	167,567	160,022	197,500

1974-75 Budget Inclusions

Salaries:

Administrators' salaries include the salaries of the Superintendent, Assistant Superintendent, Director of Pupil Personnel Services and the Business Manager.

Secretarial salaries include the Board of Education Secretary, five secretaries in the Administration offices and part-time assistance in the Finance Office.

Contracted Services:

Included in this account are the cost of services for Audit of the School District financial accounts, Legal fees, negotiation costs and printing.

Other Expense:

This account includes expenditures for the Board of Education memberships, general supplies, payroll services and postage for the entire school district. Also included is the additional rental cost of a mini-computer for administrative use.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
200 Instruction				
Salaries				
Principals	164,306	176,242	172,144	190,340
Instructional Staff	2,316,351	2,545,128	2,500,841	2,903,655
Supportive Staff	291,146	335,475	335,830	374,390
Secretarial-Teacher Aide	111,203	131,720	124,405	186,060
Maternity Leave				5,000
Professional Growth				7,500
Total Salaries	2,883,006	3,188,565	3,133,220	3,666,945

1974-75 Budget Inclusions

Principals salaries include the salaries of one Principal at the High School and three Assistant Principals, one Principal and one Assistant Principal at Bethany; one Principal, one Assistant Principal and a part-time Administrative Assistant at Orange Junior High School.

Instructional Staff salaries include those of regular classroom teachers, Special Education Teachers, Part-time teachers, Substitute and Homebound instructors.

Supportive Staff salaries include the salaries of Librarians, Guidance, Psychological personnel and department heads.

Secretarial and Teacher Aide salaries include the salaries of Secretaries, full and part time, throughout the school district as well as twelve Teacher Aides.

Eleven of the twelve Teacher Aides are new positions for the 1974-75 school year, five for the Senior high School and three for each Junior High School.

Funds are also budgeted for a student aide program at the Senior High School for secretarial skill development.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
Textbooks	38,050	45,200	42,500	49,290
Library - Audio Visual Materials	39,358	52,057	47,900	60,630
Teaching Supplies	53,329	67,110	63,100	75,010
Other Instructional Expense	49,944	67,125	59,300	95,115
Total Textbooks, Materials and Supplies	180,681	231,492	212,800	280,045
Total 200 Instruction	3,063,687	3,420,057	3,346,020	3,946,990

The textbook, material and supply accounts reflect the cost of materials used directly, or in support of, the instructional program. The 1974-75 budget includes increases for expendable supplies due to inflation and the additional cost of rental of a mini computer at Orange Junior High School for instructional use. Also included is the cost of continued participation in the A.C.E.S. film library and basic instructional service programs.

Curriculum development costs are also included in the areas of the Junior High School curriculum revision, Home Economics, History, Biology, Occupational and career development at the High School as well as Special Education development on a system-wide basis. Also included in other instructional expense are such items as staff inservice and travel costs, testing and guidance materials, continued rental of computer at Bethany Junior High School, and computerized report cards and scheduling costs system wide.

REVISED

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
400 Health Service				
Salaries				
Physicians	1,500	3,000	3,000	3,500
Nurses	24,421	28,955	28,955	30,980
Total Salaries	25,921	31,955	31,955	34,480
Expense	805	1,940	1,610	2,075
Total 400 Health Service	26,726	33,895	33,565	36,555

The Health Service account provides for consultant and professional services of a school physician, and includes the salaries of nurses in each school. The 1974-75 budget includes increasing the availability and time of the school doctor primarily because of expanded sports activities. Also included are allocations for health supplies and the cost of a tuberculosis screening program for staff members.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
500 Transportation				
Contracted Services	305,640	329,905	322,900	399,925
Special Education	24,413	28,600	24,500	33,600
Total 500 Transportation	330,053	358,505	347,400	433,525

The 1974-75 Budget for transportation is an increase of $70,020 over the previous year's Budget. This increase represents an additional bus for transportation of school students, an additional late bus and the cost of inflationary increases in gasoline, oil and repairs for the equipment. Transportation costs for Special Education have been increased because of inflationary costs and the projection of an additional student. The school system will utilize 36 buses on a daily basis for the 1974-75 school year plus additional runs for special education.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
600 Plant Operation				
Custodial Salaries	152,728	173,572	178,120	191,855
Contracted Services	3,407	3,950	3,700	6,000
Utilities including Heat	117,117	138,420	153,750	198,920
Supplies	14,010	18,950	14,580	22,900
Total 600 Plant Operation	287,262	334,892	350,150	419,675

The proposed 1974-75 budget includes salary adjustments for custodians and matrons. Increased costs for the collection of refuse have been included. Additional allocations have been made to provide for the large increase in cost for fuel oil, electricity, sewage disposal, gas, telephone service and supplies. Included in this account is the first step in an upgrading program to repaint the interior of school buildings. It is intended that a portion of each building will be repainted each year.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
700 Plant Maintenance				
Maintenance Salaries	12,733	25,349	19,350	34,115
Contracted Services	93,808	52,848	48,600	56,790
Replacement of Equipment	28,482	51,110	49,350	60,700
Other Expense	8,451	9,750	8,750	17,905
Total 700 Plant Maintenance	143,474	139,057	126,050	169,510

The maintenance salary account reflects the addition of a maintenance man together with salary adjustments for those now on staff. Other major items in this account are the projected costs of plumbing and heating repairs and replacement and contracted services for the repair, maintenance and replacement of instructional and non-instructional equipment. This budget also includes the cost of snow removal.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
800 Fixed Charges				
Property, Liability Insurance	54,791	57,100	56,444	62,700
Social Security, Employee Insurance	151,126	187,109	176,418	205,500
Unemployment Compensation	-	-	-	7,000
Total 800 Fixed Charges	205,917	244,299	232,862	275,200

The proposed 1974-75 Budget includes the increased cost of property and liability insurances, Social Security, and medical insurance. A new account, Unemployment Compensation, has been added for the 1974-75 budget. This was necessary because of the laws of the State of Connecticut placing the financial responsibility for Unemployment Compensation for District employees solely on the Regional Board of Education and not upon the individual towns.

900 Food Service Salaries	7,834	8,264	8,264	8,845

This allocation is for seventy-five percent of the Director's salary. This amount represents the Director's planning and coordination of staff services which are outside of those duties directly related to the production and serving of school lunches.

1000 Student Body Activities	46,790	59,546	57,250	72,345

The 1000 series includes coaching salaries, salaries for direction and coordination of student activities, the cost of league memberships, the cost of team equipment and rental costs for various activities. The 1974-75 budget includes costs for additional girls' sports activities as well as the increased rental cost for the hockey and swimming teams.

41-6

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
1200 Capital Outlay				
Sites	42,910	5,000	35,000	41,500
Buildings		74,000	130,000	249,500
Equipment	118,869	170,588	205,180	147,990
Total 1200 Capital Outlay	161,779	249,588	370,180	438,990

Included in the 1974-75 budget is the expenditure of $360,000 for the purchase of a relocatable classroom at the Senior High School. The proposed classroom will house graphic arts, power mechanics, art and home economics.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
1300 Debt Service				
Bond Principal	420,000	410,000	410,000	410,000
Interest	70,961	55,027	55,879	47,050
Total 1300 Debt Service	490,961	465,027	465,879	457,050

The Debt Service account provides for the payment of bond retirement and interest for all of the school property within the Region.

1400 Tuition (Outgoing)	124,976	150,158	146,700	181,310

The proposed 1974-75 budget includes the increased tuition cost of Special Education students in schools outside of the Region. This account also provides for tuition payment of Vocational Agriculture students who reside within the Region.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget
1500 Contingency	33,789	40,000	21,971	50,000

The Contingency account is necessary to avoid short-term borrowing and interest charges to cover current commitments arising from the following:

1. Late payments to the Region by the towns.
2. Unusual or emergency items of maintenance.
3. Unusual or emergency operating expenses.
4. Delayed payments of grants by state or federal governmental agencies.

Each expenditure from this fund is approved by the Board of Education. The accounting firm which audits the Board of Education accounts has recommended that this account be increased to $50,000. The unexpended balance is shown as income and applied to reduce the gross budget.

RECEIPTS

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Anticipated
Tuition	10,250	5,625	9,300	5,000
NDEA			12,000	
Subject Grants	6,625	4,141	3,000	14,000
Special Education	174,882	190,434	190,400	197,500
Transportation	149,193	162,248		162,248
Miscellaneous	16,584	15,000	29,000	13,500
Building Grants:				
Senior High	45,540	45,540	45,540	45,540
Junior High - Orange	45,457	45,457	45,457	45,457
Junior High - Bethany	48,622	48,622	48,622	48,622
Relocatables:				
Junior High - Orange	77,547	90,300	120,400	
Junior High - Orange			61,470	
Senior High				231,000
Sewer - Junior High - Orange			8,750	
Science Renovations Bethany-Orange		52,850	84,000	
Athletic Facilities	6,208			
Contingency	13,204	15,730	6,221	18,029
Budget Surplus				
1971-72	296,630			
1972-73		201,097	227,068	
1973-74				18,716
Totals	890,742	877,044	891,218	799,612

Adjustments For 1973-74 Budget

The allocation of the 1972-73 Budget Based in the Estimated 1972-73 A.D.M. and the Actual 1972-73 is indicated Below:

Town	Estimated % A.D.M.	Estimated Allocation	Actual % A.D.M.	Actual Allocation		Difference
Bethany	15.62	743,537.28	15.60	747,834.51	+	4,297.23
Orange	55.04	2,641,523.23	55.07	2,639,951.72	-	1,571.51
Woodbridge	29.34	1,408,750.49	29.33	1,406,024.77	-	2,725.72
Total	100.00	4,793,811.00	100.00	4,793,811.00		0.00

Allocation of Payments to Towns
1974-75 Budget

	Total	Bethany	Orange	Woodbridge
Total Regional Budget	6,687,495			
Total Anticipated Revenues	799,612			
Amount to be Allocated to Towns on A.D.M. Basis	5,887,883			
A.D.M. Percentage	100.0	16.08	54.37	29.55
Allocation to Towns Before Adjustment	5,887,883	946,772.00	3,201,242.00	1,739,869.00
Adjustment 1973-74 Budget	0	+ 4,297.23	- 1,571.51	- 2,725.72
Net Allocation to Towns	5,887,883	951,069.23	3,199,670.49	1,737,143.28

The sharing of REGIONAL COSTS are based upon the AVERAGE DAILY MEMBERSHIP of each Town's students for the previous year. Rather than estimating the Average Daily Membership, for the previous year, an average has been taken of the Actual Membership as of June, 1973, October, 1973 and February, 1974.

1974-75

	A.D.M.	Percentage
Bethany	543	16.08
Orange	1836	54.37
Woodbridge	998	29.55
Total	3377	100.00

Exhibit 3, Annexed to Affidavit of Douglas J. Smith

(Revised Proposed Budget for Amity Regional High School No. 5 for 1974-75)

[PHOTOSTATS]

(Opposite) ☛

EXHIBIT 3 TO AFFIDAVIT OF SMITH

REVISED

PROPOSED BUDGET
AMITY
REGIONAL
HIGH SCHOOL
No. 5
1974-75

BETHANY
ORANGE
WOODBRIDGE

BOARD OF EDUCATION

REGIONAL HIGH SCHOOL DISTRICT #5

Bethany	Orange	Woodbri e
Mrs. Jane Middleton	Mrs. John Crocco Treasurer	Mrs. Frank Gruskay Secretary
Louis J. Kutzner	Mrs. Jean Virshup	Dr. Herbert Hershenson
Dr. Frederick E. Steigert	George B. Davis, Jr. Vice-Chairman	Leonard Lohne Chairman

Douglas J. Smith
Acting Superintendent of Schools

George E. Lucas
Business Manager

BUDGET MESSAGE

FOR RESIDENTS, TAXPAYERS, PARENTS OF
REGIONAL HIGH SCHOOL DISTRICT #5

Submitted herewith is the Operating Budget for the Amity Regional High School District #5 for the fiscal year July 1, 1974 through June 30, 1975. This budget was accepted unanimously by the Board of Education at its regular public meeting of April 8, 1974.

The budget submitted calls for a total appropriation of $6,5[illegible]6,330 an increase of [illegible]35,475 over the 1973-1974 gross budget and $ 792,907 over the 1973-1974 net appropriation of the current year.

It is important to note where the major increases occur and the reasons for them. The following specific items should be helpful in your review of the budget:

a. A re-locatable at the Senior High School to provide for power mechanics and graphics, an addition and improvement to curriculum, and space for art, and home economics. The cost of this facility is estimated at $ 330,000. The region will receive 70% reimbursement from the State for this expenditure.

b. The addition of ten teachers for the system - one for Orange Junior High School, 2 1/2 for Bethany Junior High School and 6 1/2 for the Senior High School, two of which will be for industrial arts in the new re-locatable. The cost of this additional staff is estimated at $110,000.

c. An expanded item in the budget is the inclusion of 8 adult teacher-clerical aides and 7 student aides. This is in addition to the one adult aide currently in the system. The cost is estimated to be $ 37,100

d. Utilities including heat are up $60,000, or an increase of 44%.

e. Teaching supplies and other instructional expenses are up $36,000 or 22% over the 1973-1974 budget.

Program improvements are an integral part of our budget this year and go beyond curriculum to also include more preventive maintenance for our three secondary schools.

As of this writing, salary negotiations with the teachers are still under way and a firm total increase cannot be arrived at.

Amity expects a pupil population growth slightly in excess of 100 students for 1974-1975 over the 1973-1974 figures. Along with this growth, reliable reports indicate an increase to the towns in (A.D.M.) state aid from the current $215 per pup to $250. This would account for an additional $120,000 pro-rated to the three towns. The Amity Board of Education is aware that the A.D.M. increase is not yet actual and also of the impact of our budget increase on the taxpayer. We have tried to point out the major reasons for the increase, along with the cost of inflation.

The Board of Education is elected by fellow citizens and taxpayers to not only maintain but improve our schools. We ask your support for this budget to carry out that mandate.

Respectfully submitted,

Leonard Lohne

Leonard Lohne, Chairman
Board of Education
Amity Regional High School District #5

In accordance with the Statutes the following statistics are presented for your consideration:

	1972-73 Actual	1973-74 Projected	1974-75 Projected	1974-75 Revised
Enrollments	3,344	3,377	3,480	3,480
Total Regional Budget	*$5,172,951	5,670,855	6,687,495	6,556,330
Anticipated Revenue Paid Directly to Region	890,734	877,044	799,612	969,612
Net Cost to be Provided By Towns	4,282,217	4,793,811	5,887,883	5,586,718
Estimated Per Pupil Cost (Gross)	1,547	1,679	1,922	1,884

*Surplus of $201,097 From Budget Applied to 1973-74 Budget Receipts.

3-5

BUDGET COMPARISON

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
ADMINISTRATION	144,038	167,567	160,022	197,500	197,500
INSTRUCTION	3,063,687	3,420,057	3,346,020	3,946,990	3,865,825
HEALTH	26,726	33,895	33,565	36,555	36,555
TRANSPORTATION	330,053	358,505	347,400	433,525	423,525
PLANT OPERATION	287,262	334,892	350,150	419,675	419,675
PLANT MAINTENANCE	143,474	139,057	126,050	169,510	169,510
FIXED CHARGES	205,917	244,299	232,862	275,200	275,200
FOOD SERVICE	7,834	8,264	8,264	8,845	8,845
STUDENT BODY ACTIVITY	46,790	59,546	57,250	72,345	72,345
CAPITAL OUTLAY	161,779	249,588	370,180	438,990	408,990
DEBT SERVICE	490,961	465,027	465,879	457,050	457,050
TUITION (OUTGOING)	124,976	150,158	146,700	181,310	181,310
CONTINGENCY	33,789	40,000	21,971	50,000	40,000
TOTAL BUDGET	5,067,286	5,670,855	5,666,313	6,687,495	6,556,330

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
100 Administration					
Salaries					
Administrators	70,568	92,240	84,240	100,700	
Secretarial	31,728	33,557	36,507	42,145	
Total Salaries	102,296	125,797	120,747	142,845	
Contracted Services	32,136	31,520	28,500	34,900	
Other Expense	9,606	10,250	10,775	19,755	
Total 100 Administration	144,038	167,567	160,022	197,500	197,500

1974-75 Budget Inclusions

Salaries:

Administrators' salaries include the salaries of the Superintendent, Assistant Superintendent, Director of Pupil Personnel Services and the Business Manager.

Secretarial salaries include the Board of Education Secretary, five secretaries in the Administration offices and part-time assistance in the Finance Office.

Contracted Services:

Included in this account are the cost of services for Audit of the School District financial accounts, Legal fees, negotiation costs and printing.

Other Expense:

This account includes expenditures for the Board of Education memberships, general supplies, payroll services and postage for the entire school district. Also included is the additional rental cost of a mini-computer for administrative use.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
200 Instruction					
Salaries					
Principals	164,306	176,242	172,144	190,340	187,320
Instructional Staff	2,316,351	2,545,128	2,500,841	2,903,655	2,841,900
Supportive Staff	291,146	335,475	335,830	374,390	367,900
Secretarial-Teacher Aide	111,203	131,720	124,405	186,060	176,160
Maternity Leave				5,000	5,000
Professional Growth				7,500	7,500
Total Salaries	2,883,006	3,188,565	3,133,220	3,666,945	3,585,780

1974-75 Budget Inclusions

Principals salaries include the salaries of one Principal at the High School and three Assistant Principals, one Principal and one Assistant Principal at Bethany; one Principal, one Assistant Principal and a part-time Administrative Assistant at Orange Junior High School.

Instructional Staff salaries include those of regular classroom teachers, Special Education Teachers, Part-time teachers, Substitute and Homebound instructors.

Supportive Staff salaries include the salaries of Librarians, Guidance, Psychological personnel and department heads.

Secretarial and Teacher Aide salaries include the salaries of Secretaries, full and part time, throughout the school district as well as nine Teacher Aides.

Eight of the Nine Teacher Aides are new positions for the 1974-75 school year, four for the Senior High School and two for each Junior High School.

Funds are also budgeted for a student aide program at the Senior High School for secretarial skill development.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
Textbooks	38,050	45,200	42,500	49,290	
Library - Audio Visual Materials	39,358	52,057	47,900	60,630	
Teaching Supplies	53,329	67,110	63,100	75,010	
Other Instructional Expense	49,944	67,125	59,300	95,115	
Total Textbooks, Materials and Supplies	180,681	231,492	212,800	280,045	280,045
Total 200 Instruction	3,063,687	3,420,057	3,346,020	3,946,990	3,865,825

The textbook, material and supply accounts reflect the cost of materials used directly, or in support of, the instructional program. The 1974-75 budget includes increases for expendable supplies due to inflation and the additional cost of rental of a mini computer at Orange Junior High School for instructional use. Also included is the cost of continued participation in the A.C.E.S. film library and basic instructional service programs.

Curriculum development costs are also included in the areas of the Junior High School curriculum revision, Home Economics, History, Biology, Occupational and career development at the High School as well as Special Education development on a system-wide basis. Also included in other instructional expense are such items as staff inservice and travel costs, testing and guidance materials, continued rental of computer at Bethany Junior High School, and computerized report cards and scheduling costs system wide.

3.11

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
400 Health Service					
Salaries					
Physicians	1,500	3,000	3,000	3,500	
Nurses	24,421	28,955	28,955	30,980	
Total Salaries	25,921	31,955	31,955	34,480	
Expense	805	1,940	1,610	2,075	
Total 400 Health Service	26,726	33,895	33,565	36,555	36,555

The Health Service account provides for consultant and professional services of a school physician, and includes the salaries of nurses in each school. The 1974-75 budget includes increasing the availability and time of the school doctor primarily because of expanded sports activities. Also included are allocations for health supplies and the cost of a tuberculosis screening program for staff members.

3-12

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
500 Transportation					
Contracted Services	305,640	329,905	322,900	399,925	389,925
Special Education	24,413	28,600	24,500	33,600	33,600
Total 500 Transportation	330,053	358,505	347,400	433,525	423,525

The 1974-75 Budget for transportation is an increase of $ 60,020over the previous year's Budget. This increase represents an additional bus for transportation of school students, an additional late bus and the cost of inflationary increases in gasoline, oil and repairs for the equipment. Transportation costs for Special Education have been increased because of inflationary costs and the projection of an additional student. The school system will utilize 36 buses on a daily basis for the 1974-75 school year plus additional runs for special education.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
600 Plant Operation					
Custodial Salaries	152,728	173,572	178,120	191,855	
Contracted Services	3,407	3,950	3,700	6,000	
Utilities including Heat	117,117	138,420	153,750	198,920	
Supplies	14,010	18,950	14,580	22,900	
Total 600 Plant Operation	287,262	334,892	350,150	419,675	419,675

The proposed 1974-75 budget includes salary adjustments for custodians and matrons. Increased costs for the collection of refuse have been included. Additional allocations have been made to provide for the large increase in cost for fuel oil, electricity, sewage disposal, gas, telephone service and supplies. Included in this account is the first step in an upgrading program to repaint the interior of school buildings. It is intended that a portion of each building will be repainted each year.

3-14

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
700 Plant Maintenance					
Maintenance Salaries	12,733	25,349	19,350	34,115	
Contracted Services	93,808	52,848	48,600	56,790	
Replacement of Equipment	28,482	51,110	49,350	60,700	
Other Expense	8,451	9,750	8,750	17,905	
Total 700 Plant Maintenance	143,474	139,057	126,050	169,510	169,510

The maintenance salary account reflects the addition of a maintenance man together with salary adjustments for those now on staff. Other major items in this account are the projected costs of plumbing and heating repairs and replacement and contracted services for the repair, maintenance and replacement of instructional and non-instructional equipment. This budget also includes the cost of snow removal.

3-15

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
800 Fixed Charges					
Property, Liability Insurance	54,791	57,190	56,444	62,700	
Social Security, Employee Insurance	151,126	187,109	176,418	205,500	
Unemployment Compensation	-	-	-	7,000	
Total 800 Fixed Charges	205,917	244,299	232,862	275,200	275,200

The proposed 1974-75 Budget includes the increased cost of property and liability insurances, Social Security, and medical insurance. A new account, Unemployment Compensation, has been added for the 1974-75 budget. This was necessary because of the laws of the State of Connecticut placing the financial responsibility for Unemployment Compensation for District employees solely on the Regional Board of Education and not upon the individual towns.

900 Food Service Salaries	7,834	8,264	8,264	8,845	8,845

This allocation is for seventy-five percent of the Director's salary. This amount represents the Director's planning and coordination of staff services which are outside of those duties directly related to the production and serving of school lunches.

1000 Student Body Activities	46,790	59,546	57,250	72,345	72,345

The 1000 series includes coaching salaries, salaries for direction and coordination of student activities, the cost of league memberships, the cost of team equipment and rental costs for various activities. The 1974-75 budget includes costs for additional girls' sports activities as well as the increased rental cost for the hockey and swimming teams.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
1200 Capital Outlay					
Sites	42,910	5,000	35,000	41,500	41,500
Buildings		74,000	130,000	249,500	219,500
Equipment	118,869	170,588	205,180	147,990	147,990
Total 1200 Capital Outlay	161,779	249,588	370,180	438,990	408,990

Included in the 1974-75 budget is the expenditure of $330,000 for the purchase of a relocatable classroom at the Senior High School. The proposed classroom will house graphic arts, power mechanics, art and home economics.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
1300 Debt Service					
Bond Principal	420,000	410,000	410,000	410,000	
Interest	70,961	55,027	55,879	47,050	
Total 1300 Debt Service	490,961	465,027	465,879	457,050	457,050

The Debt Service account provides for the payment of bond retirement and interest for all of the school property within the Region.

1400 Tuition (Outgoing)	124,976	150,158	146,700	181,310	181,310

The proposed 1974-75 budget includes the increased tuition cost of Special Education students in schools outside of the Region. This account also provides for tuition payment of Vocational Agriculture students who reside within the Region.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
1500 Contingency	33,789	40,000	21,971	50,000	40,000

The Contingency account is necessary to avoid short-term borrowing and interest charges to cover current commitments arising from the following:

1. Late payments to the Region by the towns.
2. Unusual or emergency items of maintenance.
3. Unusual or emergency operating expenses.
4. Delayed payments of grants by state or federal governmental agencies.

Each expenditure from this fund is approved by the Board of Education. The accounting firm which audits the Board of Education accounts has recommended that this account be increased to $50,000. The unexpended balance is shown as income and applied to reduce the gross budget.

RECEIPTS

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Anticipated	1974-75 Revised
Tuition	10,250	5,625	9,300	5,000	5,000
NDEA			12,000		
Subject Grants	6,625	4,141	3,000	14,000	14,000
Special Education	174,882	190,434	190,400	197,500	197,500
Transportation	149,193	162,248	162,248	162,248	170,000
Miscellaneous	16,584	15,000	29,000	13,500	13,500
Building Grants:					
Senior High	45,540	45,540	45,540	45,540	45,540
Junior High - Orange	45,457	45,457	45,457	45,457	45,457
Junior High - Bethany	48,622	48,622	48,622	48,622	48,622
Relocatables:					
Junior High - Orange	77,547	90,300	120,400		
Junior High - Orange			61,470		
Senior High				231,000	231,000
Sewer - Junior High - Orange			8,750		
Science Renovations Bethany-Orange		52,850	84,000		
Athletic Facilities	6,208				
Contingency	13,204	15,730	6,211	18,029	18,029
Budget Surplus					
1971-72	296,630				
1972-73		201,097	227,068		
1973-74				18,716	180,964
Totals	890,742	877,044	891,218	799,612	969,612
			Revised	1,053,466	

3-20

Adjustments For 973-74 Budget

The allocation of the 1972-73 Budget Based in the Estimated 1972-73 A.D.M. and the Actual 1972-73 is indicated Below:

Town	Estimated % A.D.M.	Estimated Allocation	Actual % A. D.M.	Actual Allocation		Difference
Bethany	15.62	743,537.28	15.60	747,834.51	+	4,297.23
Orange	55.04	2,641,523.23	55.07	2,639,951.72	-	1,571.51
Woodbridge	29.34	1,408,750.49	29.33	1,406,024.77	-	2,725.72
Total	100.00	4,793,811.00	100.00	4,793,811.00		0.00

3-21

Allocation of Payments to Towns
1974-75 Budget

	Total	Bethany	Orange	Woodbridge
Total Regional Budget	6,687,495	*6,556,330 Revised		
Total Anticipated Revenues	799,612	* 969,612 Revised		
Amount to be Allocated to Towns on A.D.M. Basis	5,887,883	* 5,586,718 Revised		
A.D.M. Percentage	100.0	16.08	54.37	29.55
Allocation to Towns Before Adjustment	Revised 5,887,883	*898,344.00 946,772.00	*3,037,499.00 3,201,242.00	*1,650,875.00 1,739,869.00
Adjustment 1973-74 Budget	0	+ 4,297.23	- 1,571.51	- 2,725.72
Net Allocation to Towns	5,887,883	951,069.23	3,199,670.49	1,737,143.28
Revised	* 5,586,718	* 902,641.23	*3,035,927.49	* 1,648,149.28

The sharing of REGIONAL COSTS are based upon the AVERAGE DAILY MEMBERSHIP of each Town's students for the previous year. Rather than estimating the Average Daily Membership, for the previous year, an average has been taken of the Actual Membership as of June, 1973, October, 1973 and February, 1974.

1974-75

	A.D.M.	Percentage
Bethany	543	16.08
Orange	1836	54.37
Woodbridge	998	29.55
Total	3377	100.00

Exhibit 4, Annexed to Affidavit of Douglas J. Smith

(Revised Proposed Budget (Revised May 21, 1974) for Amity Regional High School No. 5 for 1974-75)

[PHOTOSTATS]

(Opposite) ☛

EXHIBIT 4 TO AFFIDAVIT OF SMITH

REVISED May 21, 1974

PROPOSED BUDGET
AMITY
REGIONAL
HIGH SCHOOL
No. 5
1974-75

BETHANY
ORANGE
WOODBRIDGE

BOARD OF EDUCATION

REGIONAL HIGH SCHOOL DISTRICT #5

Bethany	Orange	Woodbridge
Mrs. Jane Middleton	Mrs. John Crocco Treasurer	Mrs. Frank Gruskay Secretary
Louis J. Kutzner	Mrs. Jean Virshup	Dr. Herbert Hershenson
Dr. Frederick E. Steigert	George B. Davis, Jr. Vice-Chairman	Leonard Lohne Chairman

Douglas J. Smith
Acting Superintendent of Schools

George E. Lucas
Business Manager

In accordance with the Statutes the following statistics are presented for your consideration:

	1972-73 Actual	1973-74 Projected	1974-75 Projected	1974-75 Revised
Enrollments	3,344	3,377	3,480	3,480
Total Regional Budget	*$5,172,951	5,670,855	6,687,495	6,161,930
Anticipated Revenue Paid Directly to Region	890,734	877,044	799,612	738,612
Net Cost to be Provided By Towns	4,282,217	4,793,811	5,887,883	5,423,318
Estimated Per Pupil Cost (Gross)	1,547	1,679	1,922	1,770

*Surplus of $201,097 From Budget Applied to 1973-74 Budget Receipts.

4-3

BUDGET COMPARISON

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
ADMINISTRATION	144,038	167,567	160,022	197,500	197,500
INSTRUCTION	3,063,687	3,420,057	3,346,020	3,946,990	3,817,425
HEALTH	26,726	33,895	33,565	36,555	36,555
TRANSPORTATION	330,053	358,505	347,400	433,525	423,525
PLANT OPERATION	287,262	334,892	350,150	419,675	419,675
PLANT MAINTENANCE	143,474	139,057	126,050	169,510	169,510
FIXED CHARGES	205,917	244,299	232,862	275,200	272,200
FOOD SERVICE	7,834	8,264	8,264	8,845	8,845
STUDENT BODY ACTIVITY	46,790	59,546	57,250	72,345	72,345
CAPITAL OUTLAY	161,779	249,588	370,180	438,990	65,990
DEBT SERVICE	490,961	465,027	465,879	457,050	457,050
TUITION (OUTGOING)	124,976	150,158	146,700	181,310	181,310
CONTINGENCY	33,789	40,000	21,971	50,000	40,000
TOTAL BUDGET	5,067,286	5,670,855	5,666,313	6,687,495	6,161,930

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	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
100 Administration					
Salaries					
Administrators	70,568	92,240	84,240	100,700	
Secretarial	31,728	33,557	36,507	42,145	
Total Salaries	102,296	125,797	120,747	142,845	
Contracted Services	32,136	31,520	28,500	34,900	
Other Expense	9,606	10,250	10,775	19,755	
Total 100 Administration	144,038	167,567	160,022	197,500	197,500

1974-75 Budget Inclusions

Salaries:

Administrators' salaries include the salaries of the Superintendent, Assistant Superintendent, Director of Pupil Personnel Services and the Business Manager.

Secretarial salaries include the Board of Education Secretary, five secretaries in the Administration offices and part-time assistance in the Finance Office.

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Contracted Services:

Included in this account are the cost of services for Audit of the School District financial accounts, Legal fees, negotiation costs and printing.

Other Expense:

This account includes expenditures for the Board of Education memberships, general supplies, payroll services and postage for the entire school district. Also included is the additional rental cost of a mini-computer for administrative use.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
200 Instruction					
Salaries					
Principals	164,306	176,242	172,144	190,340	187,320
Instructional Staff	2,316,351	2,545,128	2,500,841	2,903,655	2,819,900
Supportive Staff	291,146	335,475	335,830	374,390	367,900
Secretarial-Teacher Aide	111,203	131,720	124,405	186,060	149,760
Maternity Leave				5,000	5,000
Professional Growth				7,500	7,500
Total Salaries	2,883,006	3,188,565	3,133,220	3,666,945	3,537,380

1974-75 Budget Inclusions

Principals salaries include the salaries of one Principal at the High School and three Assistant Principals, one Principal and one Assistant Principal at Bethany; one Principal, one Assistant Principal and a part-time Administrative Assistant at Orange Junior High School.

Instructional Staff salaries include those of regular classroom teachers, Special Education Teachers, Part-time teachers, Substitute and Homebound instructors.

Supportive Staff salaries include the salaries of Librarians, Guidance, Psychological personnel and department heads.

Secretarial and Teacher Aide salaries include the salaries of Secretaries, full and part time, throughout the school district

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
Textbooks	38,050	45,200	42,500	49,290	
Library - Audio Visual Materials	39,358	52,057	47,900	60,630	
Teaching Supplies	53,329	67,110	63,100	75,010	
Other Instructional Expense	49,944	67,125	59,300	95,115	
Total Textbooks, Materials and Supplies	180,681	231,492	212,800	280,045	280,045
Total 200 Instruction	3,063,687	3,420,057	3,346,020	3,946,990	3,817,425

The textbook, material and supply accounts reflect the cost of materials used directly, or in support of, the instructional program. The 1974-75 budget includes increases for expendable supplies due to inflation and the additional cost of rental of a mini computer at Orange Junior High School for instructional use. Also included is the cost of continued participation in the A.C.E.S. film library and basic instructional service programs.

Curriculum development costs are also included in the areas of the Junior High School curriculum revision, Home Economics, History, Biology, Occupational and career development at the High School as well as Special Education development on a system-wide basis. Also included in other instructional expense are such items as staff inservice and travel costs, testing and guidance materials, continued rental of computer at Bethany Junior High School, and computerized report cards and scheduling costs system wide.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
400 Health Service					
Salaries					
Physicians	1,500	3,000	3,000	3,500	
Nurses	24,421	28,955	28,955	30,980	
Total Salaries	25,921	31,955	31,955	34,480	
Expense	805	1,940	1,610	2,075	
Total 400 Health Service	26,726	33,895	33,565	36,555	36,555

The Health Service account provides for consultant and professional services of a school physician, and includes the salaries of nurses in each school. The 1974-75 budget includes increasing the availability and time of the school doctor primarily because of expanded sports activities. Also included are allocations for health supplies and the cost of a tuberculosis screening program for staff members.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
500 Transportation					
Contracted Services	305,640	329,905	322,900	399,925	389,925
Special Education	24,413	28,600	24,500	33,600	33,600
Total 500 Transportation	330,053	358,505	347,400	433,525	423,525

The 1974-75 Budget for transportation is an increase of $ 60,020over the previous year's Budget. This increase represents an additional bus for transportation of school students, an additional late bus and the cost of inflationary increases in gasoline, oil and repairs for the equipment. Transportation costs for Special Education have been increased because of inflationary costs and the projection of an additional student. The school system will utilize 36 buses on a daily basis for the 1974-75 school year plus additional runs for special education.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
600 Plant Operation					
Custodial Salaries	152,728	173,572	178,120	191,855	
Contracted Services	3,407	3,950	3,700	6,000	
Utilities including Heat	117,117	138,420	153,750	198,920	
Supplies	14,010	18,950	14,580	22,900	
Total 600 Plant Operation	287,262	334,892	350,150	419,675	419,675

The proposed 1974-75 budget includes salary adjustments for custodians and matrons. Increased costs for the collection of refuse have been included. Additional allocations have been made to provide for the large increase in cost for fuel oil, electricity, sewage disposal, gas, telephone service and supplies. Included in this account is the first step in an upgrading program to repaint the interior of school buildings. It is intended that a portion of each building will be repainted each year.

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	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
700 Plant Maintenance					
Maintenance Salaries	12,733	25,349	19,350	34,115	
Contracted Services	93,808	52,848	48,600	56,790	
Replacement of Equipment	28,482	51,110	49,350	60,700	
Other Expense	8,451	9,750	8,750	17,905	
Total 700 Plant Maintenance	143,474	139,057	126,050	169,510	169,510

The maintenance salary account reflects the addition of a maintenance man together with salary adjustments for those now on staff. Other major items in this account are the projected costs of plumbing and heating repairs and replacement and contracted services for the repair, maintenance and replacement of instructional and non-instructional equipment. This budget also includes the cost of snow removal.

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	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
800 Fixed Charges					
Property, Liability Insurance	54,791	57,190	56,444	62,700	59,700
Social Security, Employee Insurance	151,126	187,109	176,418	205,500	205,500
Unemployment Compensation	-	-	-	7,000	7,000
Total 800 Fixed Charges	205,917	244,299	232,862	275,200	272,200

The proposed 1974-75 Budget includes the increased cost of property and liability insurances, Social Security, and medical insurance. A new account, Unemployment Compensation, has been added for the 1974-75 budget. This was necessary because of the laws of the State of Connecticut placing the financial responsibility for Unemployment Compensation for District employees solely on the Regional Board of Education and not upon the individual towns.

900 Food Service Salaries	7,834	8,264	8,264	8,845	8,845

This allocation is for seventy-five percent of the Director's salary. This amount represents the Director's planning and coordination of staff services which are outside of those duties directly related to the production and serving of school lunches.

1000 Student Body Activities	46,790	59,546	57,250	72,345	72,345

The 1000 series includes coaching salaries, salaries for direction and coordination of student activities, the cost of league memberships, the cost of team equipment and rental costs for various activities. The 1974-75 budget includes costs for additional girls' sports activities as well as the increased rental cost for the hockey and swimming teams.

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	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
1200 Capital Outlay					
Sites	42,910	5,000	35,000	41,500	
Buildings		74,000	130,000	249,500	
Equipment	118,869	170,588	205,180	147,990	65,990
Total 1200 Capital Outlay	161,779	249,588	370,180	438,990	65,990

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
1300 Debt Service					
Bond Principal	420,000	410,000	410,000	410,000	
Interest	70,961	55,027	55,879	47,050	
Total 1300 Debt Service	490,961	465,027	465,879	457,050	457,050

The Debt Service account provides for the payment of bond retirement and interest for all of the school property within the Region.

1400 Tuition (Outgoing)	124,976	150,158	146,700	181,310	181,310

The proposed 1974-75 budget includes the increased tuition cost of Special Education students in schools outside of the Region. This account also provides for tuition payment of Vocational Agriculture students who reside within the Region.

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Budget	1974-75 Revised
1500 Contingency	33,789	40,000	21,971	50,000	40,000

The Contingency account is necessary to avoid short-term borrowing and interest charges to cover current commitments arising from the following:

1. Late payments to the Region by the towns.
2. Unusual or emergency items of maintenance.
3. Unusual or emergency operating expenses.
4. Delayed payments of grants by state or federal governmental agencies.

Each expenditure from this fund is approved by the Board of Education. The accounting firm which audits the Board of Education accounts has recommended that this account be increased to $50,000. The unexpended balance is shown as income and applied to reduce the gross budget.

RECEIPTS

	1972-73 Actual	1973-74 Budget	1973-74 Estimated	1974-75 Anticipated	1974-75 Revised
Tuition	10,250	5,625	9,300	5,000	5,000
NDEA			12,000		
Subject Grants	6,625	4,141	3,000	14,000	14,000
Special Education	174,882	190,434	190,400	197,500	197,500
Transportation	149,193	162,248	162,248	162,248	170,000
Miscellaneous	16,584	15,000	29,000	13,500	13,500
Building Grants:					
Senior High	45,540	45,540	45,540	45,540	45,540
Junior High - Orange	45,457	45,457	45,457	45,457	45,457
Junior High - Bethany	48,622	48,622	48,622	48,622	48,622
Relocatables:					
Junior High - Orange	77,547	90,300	120,400		
Junior High - Orange			61,470		
Senior High				231,000	
Sewer - Junior High - Orange			8,750		
Science Renovations Bethany-Orange		52,850	84,000		
Athletic Facilities	6,208				
Contingency	13,204	15,730	6,211	18,029	18,029
Budget Surplus					
1971-72	296,630				
1972-73		201,097	227,068		
1973-74				18,716	180,964
Totals	890,742	877,044	891,218	799,612	738,612
			Revised 1,053,466		

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Adjustments For 1973-74 Budget

The allocation of the 1972-73 Budget Based in the Estimated 1972-73 A.D.M. and the Actual 1972-73 is indicated Below:

Town	Estimated % A.D.M.	Estimated Allocation	Actual % A. D.M.	Actual Allocation		Difference
Bethany	15.62	743,537.28	15.60	747,834.51	+	4,297.23
Orange	55.04	2,641,523.23	55.07	2,639,951.72	-	1,571.51
Woodbridge	29.34	1,408,750.49	29.33	1,406,024.77	-	2,725.72
Total	100.00	4,793,811.00	100.00	4,793,811.00		0.00

Allocation of Payments to Towns
1974-75 Budget

	Total	Bethany	Orange	Woodbridge
Total Regional Budget	6,687,495	*6,161,930 Revised		
Total Anticipated Revenues	799,612	* 738,612 Revised		
Amount to be Allocated to Towns on A.D.M. Basis	5,887,883	*5,423,318 Revised		
A.D.M. Percentage	100.0	16.08	54.37	29.55
Allocation to Towns Before Adjustment	Revised 5,887,883	*872,070.00 946,772.00	*2,948,658.00 3,201,242.00	*1,602,590.00 1,739,869.00
Adjustment 1973-74 Budget	0	+ 4,297.23	- 1,571.51	- 2,725.72
Net Allocation to be Paid by Towns	5,887,883	951,069.23	3,199,670.49	1,737,143.28
Revised	*5,423,318	*876,367.23	*2,947,086.49	*1,599.864.28
A.D.M. Grant Paid Directly to Towns	844,250.00	135,750.00	459,000.00	249,500.00
Net Allocation to Towns After A.D.M. Grant	4,579,068.00	740,617.23	2,488,086.49	1,350,364.28

The sharing of REGIONAL COSTS are based upon the AVERAGE DAILY MEMBERSHIP of each Town's students for the previous year. Rather than estimating the Average Daily Membership, for the previous year, an average has been taken of the Actual Membership as of June, 1973, October, 1973 and February, 1974.

1974-75

	A.D.M.	Percentage
Bethany	543	16.08
Orange	1836	54.37
Woodbridge	998	29.55
Total	3377	100.00

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AFFIDAVIT

STATE OF CONNECTICUT) : ss. June 3, 1974
COUNTY OF NEW HAVEN)

Leonard Lohne of Woodbridge, Connecticut, being duly sworn, deposes and says:

I am a member of the Board of Education of Regional High School District No. 5, and have been a member of such Board since 1965. I am presently Chairman of such Board, and have served in that capacity since July 1, 1973. I am thoroughly familiar with the activities and operations of the District and of the Board, and also of the schools under their jurisdiction, that is, the high school in Woodbridge and the junior high schools in Bethany and Orange.

The Affidavit of Douglas J. Smith, Superintendent of Regional High School District No. 5, describes in detail the budgetary process and its effect on operations and programs of the district. Another example of the effect of the annual district meeting and its power to approve or reject the proposed budget occurred during the budgetary process in the Spring of 1969. That year the Board of Education proposed a major change in the operation of the high school, increasing the school day from 6 to 7 periods and adding

a number of elective academic subjects that students could take in the additional period. This was reflected in the proposed budget by a substantial increase in the item for teacher salaries, because of the need to add additional teachers, and it also was reflected in increased transportation expense, because it interfered with the duplicate use of school buses for the junior high schools and the high school. This substantial increase in budget was approved at the annual district meeting in May, 1969, which, by its approval of the proposed budget, effectively indicated its approval of the new high school program.

To my knowledge, none of the three towns comprising Regional District No. 5 nor the legislative body of any of those towns has ever requested, in accordance with Section 10-47c of the Connecticut General Statutes, an amendment of the plan under which the district operates, and in particular none of the towns or their legislative bodies have ever requested amendment of the plan to reapportion the Board.

MEMORANDUM OF DECISION

These motions for summary judgment present identical questions concerning the applicability of one person-one vote principles to boards of education of Connecticut's regional school districts. See generally, Conn. Gen. Stat. §§ 10-39 to 10-63i. Plaintiff in Civil No. B-538 (Scott), a resident, taxpayer, and elector of the Town of Woodbury, seeks the re-organization of the Board of Education of Nonnewaug Regional School District No. 14, which administers the joint elementary and secondary school systems of the Towns of Woodbury and Bethlehem.[1/] In Civil No. N-74-75 (Baker), plaintiffs are residents, taxpayers, and electors of the Town of Orange, and they seek re-organization of the Board of Education of Regional High School District No. 5, which includes the Towns of Orange, Bethany and Woodbridge.

The defendants in Scott are Regional District No. 14, the chairman of the District's Board of Education, the Towns of Woodbury and Bethlehem, and the First Selectman of each Town.[2/] In Baker the defendants are Regional District No. 5, its Board of Education and the members of the Board,

the District's superintendent, and the treasurers and clerks of the Towns of Orange, Woodbridge and Bethany.

In addition, the Towns of Bethany and Woodbridge have moved to intervene as defendants in Baker. They argue that they have significant interests not adequately protected by the present defendants, and that only they are properly situated to protect the interests of their residents and electors.[3/] However, the elected representatives of the voters who are already parties to this action are equal to that task. Cf. Powers v. Maine School Administrative District No. 1, 359 F.Supp. 30 (D. Me. 1973); Leopold v. Young, 340 F.Supp. 1014 (D. Vt. 1972). The Towns as such do not have any substantial interest in the controversy; they are merely election districts from which board members are chosen. Cf. Butterworth v. Dempsey, 229 F.Supp. 754, 798-99 (D. Conn. 1964)(three-judge court), aff'd sub nom. Town of Franklin v. Butterworth, 378 U.S. 562 (1964). See Reynolds v. Sims, 377 U.S. 533, 562 (1964). Moreover, an appropriately fashioned remedy will adequately protect the Towns. See 3A Moore's Federal Practice ¶ 19.07-2[2]. The motions to intervene are denied.

In both actions plaintiffs argue that the present apportionment of membership on their respective regional boards of education impermissibly dilutes their voting power and deprives them of the equal protection of the laws. They claim jurisdiction under 28 U.S.C. § 1343(3), and request a variety of injunctive relief pursuant to 42 U.S.C. § 1983. In Scott the parties have stipulated to the material facts,[4/] and both actions are before the Court on motions for summary judgment.[5/]

Preliminarily, the Baker defendants dispute this Court's jurisdiction and urge that a three-judge court must be convened to hear the suit. They rely primarily on Judge Timbers' tentative opinion in Giordano v. Amity Regional High School District #5, 313 F.Supp. 403 (D. Conn. 1970). The simple answer to this claim is one not raised by the parties in Giordano (although recognized as persuasive by Judge Timbers, 313 F.Supp. at 408-09, n. 9), but pressed strenuously by all plaintiffs in the present actions. Plaintiffs here do not seek to enjoin enforcement of a statute of statewide

application. Compare Hadley v. Junior College District of Metropolitan Kansas City, 397 U.S. 50, 57 (1970), with Leopold v. Young, 340 F.Supp. 1014, 1017 (D. Vt. 1972). The Connecticut statutory system at issue "does not require malapportionment, but only permits towns to agree among themselves on the terms under which they will consolidate, including the apportionment of school board members." Ibid. See C. Wright, Handbook of the Law of the Federal Courts 190, text at n. 21 (1970).

The situation is no different as to Special Act 74-69, regardless of the interpretation placed on it. If, as plaintiffs urge, it merely sets the time at which board members will take office, there is no question of enjoining its enforcement. And even if, as defendants urge, it represents a "fixing" of the present apportionment of board members, it applies by its terms only to District No. 5 and is therefore not a statute of statewide application.

Moreover, as the remainder of this opinion makes clear, the law has progressed considerably since Giordano, and what Judge Timbers concluded was a question requiring three judges for resolution is now so clearly settled that

the issue lacks the substantiality requiring a three-judge court. In such circumstances a single judge possesses the power to dispose of the case. Bailey v. Patterson, 369 U.S. 31 (1962); Anderson v. Nemetz, 474 F.2d 814 (9th Cir. 1973); Consumer Party v. Tucker, 364 F.Supp. 594, 604 (E.D. Pa. 1973). See Utica Mutual Ins. Co. v. Vincent, 375 F.2d 129, 131 n. 1 (2d Cir. 1967).

Regional District No. 14 began operating on July 1, 1968, having been approved several months earlier by separate referenda conducted in Woodbury and Bethlehem. The District's board consists of eight members, with four chosen by the electors of each of the two member towns. Plaintiff Scott bases his objection to the equal division of the membership on a comparison of the populations of the two communities. According to the 1970 census, Woodbury's population was 5,869 and Bethlehem's was 1,923, and of the 1,887 pupils attending school in the District as of May, 1973, 1,385 were from Woodbury and 492 were from Bethlehem. Finally, for each of the three consecutive academic years ending with 1973-74, Woodbury's contribution to the Regional District's budget was approximately two and one-half times as large as Bethlehem's.

In short, plaintiff complains that Woodbury has roughly 75% of the joint district's population and pupils, and contributes a similar proportion of the joint district's budget, but has only 50% of the votes on the body that administers the District.

The comparable statistics for District No. 5, which commenced operations in the 1952-53 academic year, reflect a similar imbalance. Orange, the largest of the three towns, has approximately 55% of the population, 55% of the student body, and contributes 55% of the District's budget. Bethany accounts for approximately 15% of each category, and Woodbridge 30%. Each Town, however, elects three members of the nine-member joint Board of Education.

Defendants do not dispute the contention that the votes of the Woodbury and Orange electors are in fact substantially diluted. Cf. Powers v. Maine School Administrative District No. 1, supra, 359 F.Supp. at 35. Nor do they seriously contest the proposition that because the members of the Regional Boards are chosen by election[6/] the one person-

one vote rules must apply. E.g., Hadley v. Junior College District of Metropolitan Kansas City, 397 U.S. 50, 54 (1970); Rosenthal v. Board of Education of Central High School District No. 3 of Town of Hempstead, 497 F.2d 726, 729 (2d Cir. 1974).

On the merits of the motions for summary judgment defendants press only two contentions. The first is that the Regional Boards whose composition is at issue perform an insufficiently broad range of governmental functions and are therefore not the type of elective bodies to which apportionment requirements apply. Compare Salyer Land Co. v. Tulare Lake Basin Water Storage District, 410 U.S. 719, 728-29 (1973). Both Regional Boards lack several significant powers that were possessed by the junior college board of trustees in Hadley, and defendants contend that these were essential both in Hadley and in similar cases. These include the power to levy and collect taxes, to issue bonds, and to pass on petitions to annex school districts and acquire property by condemnation.

Defendants' approach, enumerating the powers that these Regional Boards lack, is misconceived. Cf. Hadley v. Junior College District, supra, 397 U.S. at 53-54; Rosenthal

v. Board of Education, supra, 497 F.2d at 728. The proper question is rather whether the powers the Boards do have in fulfilling what "has traditionally been a vital governmental function," Hadley v. Junior College District, supra, 397 U.S. at 56, make it reasonable to describe the board members as "government officials in every relevant sense of that term." Ibid.

With the question thus posed, the answer becomes clear. The powers of the two Boards before this Court do not differ significantly from those of the Board in Rosenthal, supra, and the only question that troubled the Court of Appeals in Rosenthal was whether the manner of selection of board members was more nearly elective than it was appointive; it was obvious to the Court that if the board members were elected, their powers were sufficiently governmental to invoke one person-one vote requirements. 497 F.2d at 729, text at n. 10. As the Court of Appeals has more recently observed, "there was no question [in Rosenthal] that the body in question performed substantial governmental functions."[7/] Education/ Instruccion, Inc. v. Moore, ___ F.2d ___, ___ (2d Cir. 1974),

Slip op. at 5320 (August 21, 1974). Compare, e.g., Dameron v. Tangipahoa Parish Police Jury, 315 F.Supp. 137, 138 (E.D. La. 1970). See also, Regional High School District No. 3 v. Town of Newton, 134 Conn. 613, 620-21 (1948).

Defendants' second argument relies on dictum in Avery v. Midland County, 390 U.S. 474 (1968). They suggest that regional districts are a form of educational innovation and are for that reason immune from judicial interference, even interference in the name of equal protection. Defendants contend that requiring equal apportionment will make it unlikely that smaller towns will join regional districts, and that a legitimate attempt by the State to provide for more efficient operation of schools and improved educational opportunity for students will thereby be frustrated.

In Avery, which held that elections for County Commissioners Court in Texas must be conducted in accordance with principles of voting equality, the Supreme Court acknowledged in passing that local governments are under immense pressures to solve local problems, and denied that such experimentation is foreclosed by the Constitution. The

two cases cited by the Court, however, indicate that these observations were in no way intended to encourage retreat from the Constitutional imperative. Sailors v. Board of Education, 387 U.S. 105 (1967), exempted a board whose members were appointed and whose duties were administrative, and in Dusch v. Davis, 387 U.S. 112 (1967), the Court upheld residence requirements imposed on the members of a multi-county legislative body, finding that the voting power of the electors of the component counties was not diluted. Defendants express a legitimate concern in urging that there be no needless thwarting of experimentation with regional arrangements in general or in the field of education in particular. The desirability of such arrangements, however, cannot suspend the Fourteenth Amendment's apportionment requirements. If regional school districts are to be encouraged, it will have to be done by creative legislative authorization and cooperative local arrangements that resolve the competing large and small town interests within Constitutional standards. Although the Constitution leaves a great deal of room for legitimate experimentation and innovation, it also "imposes one ground rule for the development of arrangements of local government:

a requirement that units with general governmental powers over an entire geographic area not be apportioned among . . . districts of substantially unequal population." Avery v. Midland County, supra, 390 U.S. at 485-86.

The only question remaining is one of remedy. Plaintiffs in both actions have requested a broad range of coercive injunctive relief, both permanent and interlocutory. Plaintiffs have clearly established that they are entitled to a declaratory judgment, but it does not follow that the requested permanent mandatory injunction is also appropriate at this time. While it is true that the violations could be cured without legislative action, compare Hadley v. Junior College District, supra, the relatively few options presently available to defendants were designed by a legislature that may well have thought that regional districts would be free from one person-one vote requirements. Respect for the pre-eminence of the states in matters of educational policy requires, therefore, that the legislature be given a reasonable opportunity to develop new alternatives in light of this Court's declaration before an injunction issues requiring

defendants to act. Cf. Powers v. Maine School Administrative District No. 1, supra. For example, the legislature may want to consider the procedures for forming new districts and for dissolving, or permitting withdrawal from, present districts now that one person-one vote principles are applicable. The General Assembly is to convene in January and should have at least two months to consider whether it wishes to frame legislation responsive to the concerns of these and other aspects of regional districts. Permanent injunctive relief will therefore be denied, without prejudice to a renewed application after March 1, 1975. At any time prior to that date, any parties may submit to the Court their proposals for reapportionment plans and implementation procedures, which the Court will review before formulating a final decree after March 1, 1975.

With respect to the requests for interim relief pending entry of a final decree, the Court is not willing needlessly to disrupt on-going educational activities pending legislative action. The requested decrees would work a substantial departure from the status quo, and the request for

such relief is therefore denied. Plaintiffs are free to seek supplemental interim relief if it should appear that the Regional Districts are about to undertake substantial building programs or make other substantial capital commitments.

Accordingly, plaintiffs' motions for summary judgment are granted,[8/] and judgment will enter declaring that the allocation of membership on the Boards of Education of Nonnewaug Regional School District No. 14, and of Regional High School District No. 5, deprives plaintiffs of the equal protection of the laws in violation of the Fourteenth Amendment.

Dated at New Haven, Connecticut, this 22 day of November, 1974.

Jon O. Newman
United States District Judge

FOOTNOTES

1/ Plaintiff Scott seeks to pursue the suit as a class action. Since "any equitable relief to which [plaintiff] may be entitled would benefit all persons similarly situated, there is no compelling reason to designate a class." Bridgeport Guardians, Inc. v. Members of Bridgeport Civil Service Commission, 354 F.Supp. 778, 783 (D. Conn. 1973), modified on other grounds, 482 F.2d 1333 (2d Cir. 1973). Class action designation is accordingly denied.

2/ The Town of New Hartford has moved to appear in Scott as amicus curiae. The motion is granted.

3/ Other defendants have raised the same issue in the form of an affirmative defense alleging that the Towns are necessary parties without whose joinder the action cannot go forward, Fed. R. Civ. P. 19.

4/ Defendants in Baker note that in their action the parties have not entered into a stipulation and urge that summary judgment is inappropriate because a triable issue of fact is presented by disagreement about the powers of their

Board. There is no dispute, however, that the powers of the Boards are defined by the Connecticut General Statutes, compare Education/Instruccion, Inc. v. Moore, ___ F.2d ___ (2d Cir. 1974), Slip op. at 5321 (August 21, 1974)(Oakes, J. dissenting); the only disagreement is whether as a matter of law the powers conferred by statute are sufficient to bring the Boards within apportionment requirements.

5/ The Baker defendants oppose summary judgment on the ground that the plaintiffs are not real parties in interest, Fed. R. Civ. P. 17(a), and on the additional ground that jurisdiction of this Court has been invoked by "improper or collusive joinder," 28 U.S.C. § 1359. Rule 17(a) is designed to make certain that an action is brought by one who, by the substantive law, has the right sought to be enforced. Rackley v. Board of Trustees of Orangeburg Regional Hospital, 35 F.R.D. 516 (E.D. S.C. 1964); 3A Moore's Federal Practice ¶ 17.07, text at n. 1. But as this opinion explains, text following n. 2, supra, the right sought to be protected in this case is that of the Orange electors in an undiluted vote. Section

1359 is similarly designed to prevent collusive attempts to "manufacture" diversity jurisdiction, O'Brien v. Avco Corporation, 425 F.2d 1030 (2d Cir. 1969). It thus has no application in the present context. Moreover, even if, as defendants allege, officials of the Town of Orange solicited plaintiffs' participation, and even if the Town of Orange is paying the expenses of the litigation, it does not follow that there has been the kind of "collusion" at which the statute is directed. Allstate Ins. Co. v. Lumbermens Mutual Casualty Co., 204 F.Supp. 83 (D. Conn. 1962).

6/ The Baker defendants do suggest that the town meetings from which their Board members are elected are exercises of legislative power and not "popular elections" within the meaning of Hadley, and that one person-one vote requirements for that reason do not apply. Defendants do not dispute, however, that in each member town all registered voters are eligible to vote for board members, Conn. Gen. Stat. § 10-46(b). Nothing in Hadley indicates that the Court intended to limit its holding to elections of a particular type. On the contrary, Justice Black took pains to observe that at the center of each of the Supreme Court's reapportion-

ment cases was "the decision of the government to have citizens participate individually by ballot in the selection of certain people who carry out governmental functions." 397 U.S. at 54. To accept the consequences of defendants' characterization would be to exalt form over substance at the expense of the right to vote.

7/ The Rosenthal Board also lacked the power to set taxes. 497 F.2d at 728, n. 7 and accompanying text.

8/ The motion of defendants in Scott is correspondingly denied.

JUDGMENT

This case having come on for consideration on plaintiffs' Motion for Summary Judgment and the Court having issued its Memorandum of Decision under date of November 22, 1974, granting said motion and declaring that the allocation of membership on the Board of Education of Regional High School District No. 5 deprives plaintiffs of equal protection of the laws in violation of the Fourteenth Amendment,

It is accordingly ORDERED, ADJUDGED and DECREED that judgment be and is hereby entered in favor of the plaintiffs on the plaintiffs' Motion for Summary Judgment and judgment is entered declaring that the allocation of membership on the Board of Education of Regional High School District No. 5 deprives plaintiffs of equal protection of the laws in violation of the Fourteenth Amendment.

Dated at Bridgeport, Connecticut, this 5th day of December, 1974.

SYLVESTER A. MARKOWSKI, Clerk

By Vincent R. DeRosa
Vincent R. DeRosa
Deputy in Charge

RULING ON REQUEST
FOR RULE 54(b) CERTIFICATION

On November 22, 1974, this Court granted summary judgment in favor of plaintiffs in these cases, indicated that plaintiffs were entitled to declaratory judgments, and deferred consideration of plaintiffs' claims for injunctive relief to provide some opportunity for the Connecticut General Assembly to provide, if it wished, a legislative response to any problems created by the ruling. Plaintiffs now seek a certification pursuant to Fed. R. Civ. P. 54(b) that will permit an appeal of the adjudication of the claim for declaratory relief.

The requirement of the rule that there be "no just reason for delay" is fully met in the circumstances of this case. The adjudication of declaratory relief presents an issue of law that is entirely isolable from considerations that may be encountered in considering claims for injunctive relief. Moreover, the issue of law -- the applicability of one person-one vote principles to regional school boards -- is an important issue, and should be resolved promptly.

Accordingly, the Court finds that there is no just

reason for delay and specifically directs the entry of judgment on the claims for declaratory relief.

Dated at New Haven, Connecticut, this 3 day of January, 1975.

Jon O. Newman
United States District Judge

JUDGMENT

The above cases having come on for consideration by the Court on plaintiffs' Motions for Summary Judgment and the Court having rendered its Memorandum of Decision, under date of November 22, 1974, granting said motions; and the Court having rendered its Ruling on Request for Rule 54(b) Certification, under date of January 3, 1975, finding that there is no just reason for delay and specifically directing the Clerk to enter judgment on the claims for declaratory relief,

It is ORDERED and ADJUDGED that judgment be and is hereby entered declaring that the allocation of membership on the Boards of Education of Nonnewaug Regional School District No. 14, and of Regional High School District No. 5, deprives plaintiffs of the equal protection of the laws in violation of the Fourteenth Amendment.

Dated at New Haven, Connecticut, this 8th day of January, 1975.

Sylvester A. Markowski

Clerk

By James J. Knight
Deputy In Charge

APPROVED:

U.S.D.J.